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REPORTER'S RECORD

VOLUME 14 OF 44 VOLUMES

TRIAL COURT CAUSE NO. 07-CR-885-B

- - - - - x
 STATE OF TEXAS : IN THE DISTRICT COURT
 VS : 138th JUDICIAL DISTRICT
 MELISSA ELIZABETH LUCIO :
 : CAMERON COUNTY, TEXAS
 - - - - - x

JURY EMPANELMENT

On the 28th day of May, 2008, the following
 proceedings came on to be heard in the above-entitled and
 numbered cause before the Honorable **Arturo C. Nelson**,
 Judge Presiding, held in Brownsville, Cameron County,
 Texas.

Proceedings reported by computerized stenotype
 machine.

FILED IN
 COURT OF CRIMINAL APPEALS

AUG 06 2009

Louise Pearson, Clerk

ORIGINAL

A P P E A R A N C E S

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1	VOLUME 14						
2	CHRONOLOGIAL INDEX - JURY EMPANELMENT						
3	5/28/09					PAGE	VOL
4							
5	Pledge of Allegiance					3	14
6							
7	Panel Sworn					3	14
8							
9	Court Covers Exemptions					5	14
10							
11	Discuss./Mot. Limine					11	14
12							
13	Examination by the Court						
14	NAME	DX	CX	RDX	RCX	VDX	VOL
15	Fernando Narjal					12	14
	Ashley Garza					13	14
16	Mari Cabrialess					15	14
	Jessica Dominguez					15	14
17	Vallarie Dillon					17	14
	Duane Mishler					17	14
18	Francisco Rodriguez					18	14
	Mari Saladero					19	14
19	Donna Del Fonner					21	14
	Ken Soles					23	14
20	Maria Longoria					24	14
	Jaime Capetillo					25	14
21	Jennifer Wroten					27	14
	Janet Cortez					29	14
22	Juanita Hernandez					30	14
	Mari Cabrialess					31	14
23	Alicia Aguilar					31	14
	Maria Sanchez					33	14
24	Robert Tamayo					34	14
	Justin Fisher					36	14
25	David Guest					37	14
	Carolina Castillo					38	14

Adelaido Flores, Jr.
Certified Shorthand Reporter

1	Consuelo James	39	14
	Maria Rodriguez	40	14
2	Aida Castillo	41	14
	John Randolph	43	14
3	Jeffrey Gowen	45	14
	Ernest Castillo	46	14
4	David Cavazos	47	14
	Michelle Hariston	48	14
5	Evana Juarez	49	14
6	Eileen Anderson	52	14
7	Objection/P. Juror Excused	54	14
8	Rosa Rodriguez	54	14
	Carlos Ramirez	56	14
9	Rosa Garcia	58	14
	Veronica Rodriguez	59	14
10	Irma Velasquez	61	14
	Liliana Chavez	62	14
11	Guadalupe Garza	63	14
	Sally Smith	65	14
12	Victor Dias	65	14
	Jennifer McNabb	69	14
13	Donald Wiles	70	14
	Remo Saccani	71	14
14	Brenda De La Rosa	73	14
	Norma Jimenez	75	14
15	Elvia Atkinson	77	14
	Norma Gonzales	80	14
16	Santiago Robles	81	14
	Maria Perez	82	14
17	Maria V. Perez	82	14
	Sandra Gonzalez	83	14
18	Maria Moreno	84	14
	Juan Cantu	85	14
19	Erica Garcia	85	14
	Hector Rivera	88	14
20	Alberto Reyes	89	14
	Norma Esquivel	92	14
21	Elsa Rodriguez	94	14
	Alicia Aguilar	96	14
22	Deyanira Lopez	97	14
	Eva Gutierrez	98	14
23	Maria Barrera	99	14
	Blanca Gomez	100	14
24	Tomas Flores	102	14
	Janet De La Fuente	104	14
25	Larry Neblett	106	14
	Rosalinda Garcia	107	14

Adelaido Flores, Jr.
Certified Shorthand Reporter

1	ALPHABETICAL WITNESS INDEX - JURY EMPANELMENT						
2	NAME	DX	CX	RDX	RCX	VDX	VOL
3	Aguilar, Alicia					31	14
	Aguilar, Alicia					96	14
4	Alarcon, Patricia					212	14
	Alvarado, Elva					108	14
5	Anderson, Eileen					52	14
	Anzaldua, Jenny					227	14
6	Arredondo, Guadalupe					207	14
	Athey, Virginia					198	14
7	Atkinson, Elvia					77	14
	Atkinson, Maria					321	14
8	Atkinson, Martha					374	14
	Baca, Doris					127	14
9	Barbosa, Maria					165	14
	Barrera, Maria					99	14
10	Beauchemin, Denise					171	14
	Berlanga, Ruby					195	14
11	Bressler, Joseph					191	14
	Brown, Livia					160	14
12	Brown, Robert					164	14
	Cabriaales, Mari					15	14
13	Cabriaales, Mari					31	14
	Cadena, Pedro					344	14
14	Cadena, Roland					199	14
	Campbell, Antonia					234	14
15	Campos, Bertha					189	14
	Campos, Juan					157	14
16	Canales, Debra					291	14
	Cantu, Juan					85	14
17	Cantu, Maria T.					236	14
	Cantu, Reynaldo					114	14
18	Cantu, Reynaldo					307	14
	Capetillo, Jaime					25	14
19	Captetillo, Jaime					240	14
	Cardenas, Lucia					337	14
20	Casanova, Iris					140	14
	Castillo, Aida					41	14
21	Castillo, Carolina					38	14
	Castillo, Ernest					46	14
22	Cavazos, David					47	14
	Cestero, Anibel					304	14
23	Chapa, Roberto					145	14
	Chapman, Paul					371	14
24	Chavez, Liliana					62	14
	Colunga, Julio					372	14
25	Contreras, Delia					277	14
	Corker, Irma					254	14

Adelaido Flores, Jr.
Certified Shorthand Reporter

1	Cortez, Janet	29	14
	Crosby, Kevin	215	14
2	Cruz, Cynthia	111	14
	Cruz, Cynthia	338	14
3	Cruz, Erminio	305	14
	Cruz, Manuel	166	14
4	Cruz, Maria	262	14
	Cruz, Maria	310	14
5	Cruz, Rosa	273	14
	De La Cruz, Rosa	183	14
6	De La Fuente, Janet	104	14
	De Leon, Jenny	170	14
7	Degorostiza, Marino	346	14
	Del Fonner, Donna	21	14
8	Dias, Victor	65	14
	Diaz, Gilberto	183	14
9	Diaz, Rozanne	221	14
	Dillon, Vallarie	17	14
10	Dominguez, Jessica	15	14
	Duncan, Roy	340	14
11	Elliff, William	224	14
	Esquivel, Norma	92	14
12	Estrada, Eric	200	14
	Fiscal, Jose	331	14
13	Fisher, Justin	36	14
	Flores, Elvia	192	14
14	Flores, Manuel	370	14
	Flores, Tomas	102	14
15	Galvan, Johnny	361	14
	Gamez, Adolfo	353	14
16	Gamez, Aida	112	14
	Garcia, Agapita	116	14
17	Garcia, Aida	230	14
	Garcia, Christina	178	14
18	Garcia, Erica	85	14
	Garcia, Guadalupe	156	14
19	Garcia, Juan	373	14
	Garcia, Reymundo	313	14
20	Garcia, Rosa	58	14
	Garcia, Rosalinda	107	14
21	Garza, Ashley	13	14
	Garza, Guadalupe	63	14
22	Garza, Michelle	168	14
	Gomez, Adolfo	121	14
23	Gomez, Blanca	100	14
	Gomez, Blanca	308	14
24	Gomez, Jaime	330	14
	Gonzales, Norma	80	14
25	Gonzalez, Agustin	182	14
	Gonzalez, Arturo	264	14

Adelaido Flores, Jr.
Certified Shorthand Reporter

1	Gonzalez, Sandra	83	14
	Goodrich, Zachary	216	14
2	Gowen, Jeffrey	45	14
	Gracia, Noe	141	14
3	Gracia, Noe	352	14
	Guajardo, Tomas	169	14
4	Guerrero, Jose	363	14
	Guest, David	37	14
5	Gutierrez, Eva	98	14
	Haecke, Brandon	151	14
6	Haecke, Brandon	326	14
	Haeke, Brandon	269	14
7	Hariston, Michelle	48	14
	Hernandez, Juanita	30	14
8	Hernandez, Selena	333	14
	Hinojosa, Deanna	128	14
9	Hinojosa, Maria	123	14
	Hinojosa, Raquel	137	14
10	Hinojosa, Raquel	356	14
	Hinojosa, Roberto	327	14
11	Hinojosa, Roberto	341	14
	Hinojosa, Rosa	329	14
12	Hoke, John	219	14
	Hollingsworth, Henry	211	14
13	Hubbard, Blake	316	14
	Hubbard, Michelle	159	14
14	Hubbard, Michelle	162	14
	Huff, Rodney	235	14
15	Ibarra, Ricardo	154	14
	Iracheta, Sara	133	14
16	Izeta, Deborah	193	14
	Jalomo, Jesus	362	14
17	James, Consuelo	39	14
	Jimenez, Norma	75	14
18	Juarez, Evana	49	14
	Judd, Mark	222	14
19	Leal, Michael	131	14
	Leal, Rosita	296	14
20	Ledesma, Edith	179	14
	Leija, Miriam	173	14
21	Leija, Miriam	357	14
	Limon, Reynaldo	134	14
22	Limon, Reynaldo	266	14
	Longoria, Maria	24	14
23	Lopez, Deyanira	97	14
	Lopez, Erica	225	14
24	Lounsbery, Peter	300	14
	Luaces, Madeline	180	14
25	Lucio, Gerardo	175	14
	Maldonado, Gabriela	144	14

Adelaido Flores, Jr.
 Certified Shorthand Reporter

1	Martinez, Maria	314	14
	Martinez, Rolando	358	14
2	Martinez, Veronica	203	14
	Martinez, Victoria	206	14
3	Matthews, Gil	125	14
	Matz, Marlo]	348	14
4	Mayfield	202	14
	McNabb, Jennifer	69	14
5	Medina, Maria	136	14
	Mishler, Duane	17	14
6	Moreno, Maria	84	14
	Morgan, Roberta	188	14
7	Narjal Fernando	12	14
	Neblett, Larry	106	14
8	Neblett, Larry	355	14
	Nichols, Diane	130	14
9	Olvera, Victor	335	14
	Ortiz, Alejandria	311	14
10	Perez, Maria	82	14
	Perez, Maria V.	82	14
11	Perez, Samantha	135	14
	Petraitis, Carmela	232	14
12	Ramirez, Carlos	56	14
	Ramirez, Maria E.	197	14
13	Ramirez, Nancy	324	14
	Ramirez, Olga	295	14
14	Randolph, John	43	14
	Randolph, John	343	14
15	Reyes, Alberto	89	14
	Reyes, Alberto	334	14
16	Reyes, Jose	332	14
	Reyes, Rebecca	109	14
17	Reyna, Leticia	201	14
	Rios, Lisa	285	14
18	Rivera, Hector	88	14
	Robinson, Rogenna	325	14
19	Robles, Jesus	139	14
	Robles, Santiago	81	14
20	Rodriguez, Blanca	115	14
	Rodriguez, Carlos	172	14
21	Rodriguez, Diane	184	14
	Rodriguez, Elsa	94	14
22	Rodriguez, Francisco	18	14
	Rodriguez, Maria	40	14
23	Rodriguez, Norma	231	14
	Rodriguez, Rosa	54	14
24	Rodriguez, Sandra	256	14
	Rodriguez, Veronica	59	14
25	Rosa, Brenda De La	73	14
	Rosales, Laura	293	14

Adelaido Flores, Jr.
Certified Shorthand Reporter

1	Rosales, Nora	153	14
	Ruiz, Yurytzy	120	14
2	Ruiz, Yurytzy	349	14
	Saavedra, Ana	209	14
3	Saavedra, Mario	368	14
	Saccani, Remo	71	14
4	Saladero, Mari	19	14
	Salazar, Dominga	204	14
5	Saldana, Debra	187	14
	Salinas, Nancy	226	14
6	Sanchez, Leslie	365	14
	Sanchez, Maria	33	14
7	Sanchez, Reynaldo	217	14
	Sanchez, Reynaldo	318	14
8	Schiff, Julia	132	14
	Schiff, Julia	350	14
9	Sierra, Elizabeth	143	14
	Silva, Carmen	194	14
10	Silva, Roxanne	168	14
	Singlaterry	117	14
11	Smith, Sally	65	14
	Smith, Susan	170	14
12	Smith-Lingo, Susan	369	14
	Soles, Ken	23	14
13	Solis, Laura	119	14
	Sorrels, Patricia	315	14
14	Spearman, Janett	323	14
	Spearman, Jannett	164	14
15	Stanage, Dane	150	14
	Tamayo, Robert	34	14
16	Tetreau, Jessica	210	14
	Todd, John	229	14
17	Todd, John	366	14
	Torres, Maria	162	14
18	Torres, Vicente	146	14
	Torres, Yolanda	280	14
19	Vargas, Cynthia	281	14
	Velasquez, Irma	61	14
20	Velasquez, Manuel	322	14
	Villalon, Daniel	287	14
21	Villalon, Daniel	339	14
	Whittemore, Maria	186	14
22	Wiles, Donald	70	14
	Wroten, Jennifer	27	14
23	Wuensche, Charles	208	14
	Zamora, Jessica	112	14
24	Zamora, Jessica	152	14
25			

1 (Defendant present)

2 P R O C E E D I N G S

3 Time: 9:00 a.m.

4 THE COURT: Thank you very much. Would you
5 join me in the pledge of allegiance.

6 THE COURT: Also, before sitting down.
7 Would all of you raise your right hand.

8 "Do you, and each of you, solemnly swear
9 and affirm that you will true answers give to all
10 questions propounded to you concerning your qualifications
11 as a juror, so help you God?"

12 PANEL MEMBERS: "I do."

13 THE COURT: Now please be seated. Good
14 morning, ladies and gentlemen. My name is Arturo Cisneros
15 Nelson, and I'm the judge of the 138th District Court. I
16 want to welcome you to jury service. I want to thank you
17 for your cooperation in performing this important for
18 civil duty with us today. We'll try to do everything we
19 can to make this -- can you all hear me?

20 PANEL MEMBERS: No.

21 THE COURT: Let met start all over again.
22 Good morning.

23 PANEL MEMBERS: Good morning.

24 THE COURT: My name is Judge Arturo
25 Cisneros Nelson. I'm the judge of the 138th District

1 Court and I want to welcome you to jury service. I want
2 to thank you for your cooperation in performing this
3 important civic duty. I want to assure you that we are
4 going to try to do everything we can to make this as
5 rewarding, and as quick an experience as possible under
6 the circumstances.

7 You are called as a special jury venire
8 panel. We do not have two weeks to serve. You are only
9 going to be considered for one case. I want you to know
10 that if you are not selected today, or later on during the
11 following weeks, your service has not been wasted. In a
12 free society -- and we're very lucky and blessed that we
13 live in a free society -- the government asks you as a
14 citizens to participate on two occasions only. One is
15 when you vote. And the other is when you serve on a jury.

16 We all want to be tried by a jury of our
17 peers. So we have to be willing to serve on a jury of our
18 peers. And if that's what keeps a free society free, and
19 it's extremely important. In our system of law we have to
20 have more jury panel that we actually use. And we can't
21 accomplish this without your participation.

22 Basically you are here on a special jury
23 venire panel, that is on a capital murder case, and where
24 the State is seeking the death penalty. Before you are
25 even going to be considered you have to understand certain

1 qualifications and exemptions. First of all, you must be
2 at least 18 years of age to serve on a jury.

3 You must be a citizen of the State of Texas
4 and of this country.

5 And you must be qualified under the
6 Constitution and the laws to vote in this country.

7 You must be of sound mind and of good moral
8 character.

9 You must be able to read and write.

10 You must not have served on a jury for six
11 days in the preceding three months in the county court, or
12 during the preceding six months in the district court.

13 You must not have been convicted of a
14 misdemeanor theft, or a felony.

15 You must not be under indictment or other
16 legal accusation, theft or a felony. You must not have
17 served on the Grand Jury that handed down the indictment
18 in this particular case.

19 This case involves the defendant -- and
20 she's sitting right there -- who is Melissa Elizabeth
21 Lucio. So if you've served on the Grand Jury that handed
22 down the indictment, you can't serve on this jury.

23 In addition to these qualifications, there
24 are certain exemptions that you can go ahead and claim if
25 you choose to. If you don't want to claim your exemption,

1 we'll be glad to have you serve. But if you want to claim
2 the exemption, you can. Anybody over the age of 70, if
3 you are over 70 years of age, then you can go ahead and
4 claim the exemption.

5 All persons who have legal custody of a
6 child under the age of ten, if jury service would
7 necessitate leaving the child without adequate
8 supervision. I think we're going to have that.

9 All persons who are enrolled, and are in
10 actual attendance at college, or at an institution of
11 higher education.

12 All people who are employees of the Senate,
13 the House of Representatives, or any department
14 commissioned, board, office, or other agency, in the
15 legislative branch of the state government.

16 Any person who is the primary care taker of
17 a person who is invalid and unable to take care of
18 themselves?

19 Any person who is a member of the United
20 States Military Forces, serving on active duty, and
21 deployed to a location outside of a person's home state
22 and out of the person's county of residence. If you're
23 under Armed Forces, and you are deployed away from Cameron
24 County, and you are here on leave, you do not have to
25 serve. You may claim the exemption, if you wish.

1 Finally, some of you may have business or
2 travel plans, or sickness in the family, economic
3 hardships that makes service inconvenient for you.

4 The law does not allow me to go ahead and
5 excuse you for these reasons. State law allows me to go
6 ahead and reschedule you. But this is not a regular
7 venire panel. The laws are a little bit stricter with
8 capital murder cases. So inconvenient travel plans,
9 things of that sort are not something I can reschedule you
10 for on this case.

11 And, you know, it may be possible that we
12 can work something out. But, frankly, it is going to take
13 hearing each of the exemptions, excuses or qualifications
14 issues separately. And we are going to have to make a
15 record of each and every one of them.

16 This is a case where we are going to ask
17 you, first of all, we are going to deal with the
18 qualifications and exemptions. And those of you who have
19 that and have already spoken to these lovely ladies in
20 front, I will go ahead and call you up each time, where we
21 have to make a record of each and every one of them.

22 I am going to excuse the rest of you,
23 probably, until, my guess, this going to take at least an
24 hour and a half. Probably until 10:30. Then I am going
25 to ask everybody to come back at 10:30 while we deal with

1 all of these issues on excuses and exemptions. It's
2 important that everybody here have their jury badge
3 scanned. Make sure that your jury badge has been scanned.
4 It's important that the questionnaires that you were asked
5 to fill out by the district clerk's office, by Mrs. De La
6 Garza's office be submitted. And, of course, they've also
7 asked you to consider donating your jury service, if you
8 wish to, and they have a questionnaire as to whether you
9 can elect to, or not to. That's your choice. But also
10 make sure that that's filled out. This is a case that
11 would probably take -- by our best guesstimates, by
12 talking to the State and the defense, four to six weeks to
13 try in total. We will go ahead and set appointments for
14 each and every one of you, because we're going to call you
15 back to come in and do what we call individual voir dire.
16 We're going to have a general voir dire this afternoon.
17 We're going to have individual voir dire later. But
18 you're going to have wait around for those. We're going
19 to go ahead and give you cards with appointments. So you
20 all can go about your business until your appointment
21 comes up. So if you're not going -- we are going to try
22 to inconvenience you as little as we can under the
23 circumstances while we get the jury and why we get ready
24 to try this case.

25 Those of you who have an exemption, who

1 have an issue with regard to one of the qualifications and
2 you want to come up talk to me, talk to these ladies
3 first. They will provide the form. They will give it to
4 me, I will call your name up and take it up one at a time.

5 The rest of you can come back at 10:30. Go
6 ahead, get a cup of coffee, stretch your legs, read your
7 book. Do whatever you'd like. But come back at 10:30.
8 Make sure that your badges are scanned. Please. Make
9 sure that your questionnaire has been sent in:

10 PANEL MEMBER: Sir. Can we stay here?

11 THE COURT: You can stay here, if you wish.
12 Yes, ma'am? The rest of you who do not wish to claim an
13 exemption or have a question on qualifications, you are
14 excused until 10:30. Return at 10:30, please. If you
15 have an issue with regard to qualifications or an
16 exemption, form a line. On the right, form a line. All
17 of those who have already presented their excuses, just
18 stay sitting down, and I'll call your name one at a time.

19 Those who have not talked to Mrs. De La
20 Garza's office -- those who have not talked -- form a line
21 on the right. Those who have talked to them, just stay
22 sitting down until I call your name. The rest of you are
23 excused until 10:30.

24 This is the door to come out if you want.
25 The back door, and the side door.

1 Again, if you've got an issue on an
2 exemption, or qualification, stay seated until I call your
3 name. If you've not spoken to Mrs. De La Garza's office,
4 form a line on the right and come up one at a time.

5 Mr. Gilman? Mr. Padilla? I'm going to
6 start calling the names and I'm going to go through the
7 individual excuses. We need to make a record. So I need
8 Al to be able to hear it, and I need y'all to be able to
9 hear it.

10 MR. PADILLA: Can I stand here, Judge,
11 while the court addresses the jury?

12 THE COURT: My sense is to stand there.
13 I'm trying to figure it out.

14 MR. PADILLA: That's the best way to do it,
15 Your Honor.

16 THE COURT: My sense is to have them stand
17 there. Any questions regarding the questionnaire?

18 MR. KRIPPEL: The questionnaire, are we
19 going to hand out?

20 THE COURT: We're going to hand it out
21 later.

22 MR. KRIPPEL: Yeah. Where is it?

23 THE COURT: Raul Martinez has it.

24 MR. KRIPPEL: Okay. I just want to double
25 check it.

1 THE COURT: Raul Martinez has already got
2 it. It's already been corrected, and it's done. Okay.
3 It's done -- and it's too late.

4 THE COORDINATOR: That's what I'm asking.
5 I am trying to figure out.

6 THE COURT: Nobody gave me the corrections
7 a week ago.

8 MR. PADILLA: No, we had no problem, other
9 than change the names and the style. That's all we talked
10 about, Judge.

11 THE COURT: Don't come up at the last
12 minute that we have don't anything on it.

13 MR. PADILLA: No, no, no, no. We're not.

14 MR. GILMAN: All motions were filed on my
15 behalf. I filed a motion in limine. I have given a copy
16 to the State. They have given me bad acts on my client --
17 dirty house -- and stuff like that. I don't think they're
18 going to bring it up.

19 THE COURT: They're not going to voir dire
20 here. We'll take those up before we start the individual
21 voir dire.

22 MR. PADILLA: I'd like to do that. We also
23 filed an election for probation, which I don't think under
24 the statute they are allowed.

25 MR. GILMAN: But if we get out of the

1 capital, I'm certainly entitled to it. If I get into
2 criminally negligent homicide, I'm entitled to it. Keep
3 your sense of humor, Al.

4 MR. PADILLA: That'll be fine. I don't
5 think you're entitled to it. We'll let the learned judge
6 consider that.

7 THE COURT: I got to get through these,
8 okay. Well, let me start.

9
10 FERNANDO NARJAL, JR.,
11 having been called as a prospective juror and, upon
12 his oath, was examined and testified as follows:

13 VOIR DIRE EXAMINATION

14 BY THE COURT:

15 (Discussion off the record at the bench.)

16 THE COURT: Hi, sir. You just had surgery?

17 PROSPECTIVE JUROR: I had it last Friday.

18 THE COURT: What was your surgery?

19 PROSPECTIVE JUROR: It's a fistula. It is
20 about four centimeters to five centimeters deep, and it's
21 about maybe 8 centimeters wide between my rectum and my
22 scrotum. And it's open, and they have to dress it twice a
23 day -- take it out and bring it back in.

24 THE COURT: And it would be painful?

25 PROSPECTIVE JUROR: It would be very

1 painful.

2 THE COURT: I'm going to excuse him. Any
3 objections?

4 MR. GILMAN: No objections.

5 MR. PADILLA: No objections from the State.

6 THE COURT: You are excused. Good luck.
7 God bless.

8 DEPUTY CLERK: What number was that?

9 THE COURT: I don't know, dear. You want
10 to check that?

11 ASHLEY MARIE GARZA,
12 having been called as a prospective juror and, upon
13 her oath, was examined and testified as follows:

14 VOIR DIRE EXAMINATION

15 BY THE COURT:

16 THE COURT: What was your number? I'm
17 sorry.

18 PROSPECTIVE JUROR: (lady with crying baby)
19 I'm sorry, Judge.

20 THE COURT: No. I understand. Your name,
21 ma'am?

22 PROSPECTIVE JUROR: Ashley Mari Garza.

23 THE COURT: Ashley Mari Garza. I am trying
24 to look it up. You are claiming an excuse, ma'am?

25 PROSPECTIVE JUROR: Yes. I couldn't find a

1 sitter.

2 THE COURT: And you're the only one that
3 takes care of the child?

4 PROSPECTIVE JUROR: Yes, sir.

5 THE COURT: Any objections?

6 MR. GILMAN: No objections.

7 MR. PADILLA: No objections.

8 THE COURT: You are excused, ma'am. Good
9 luck, God bless.

10 THE REPORTER: Juror Number?

11 THE COURT: Yes, I am looking at it, as I'm
12 talking to her.

13 Ashley Mari Garza.

14 MR. PADILLA: Ashley Mari Garza.

15 THE COURT: Juror Number 739372. You may
16 leave, ma'am. Thank you very much.

17 (Excused at 9:29 a.m.)

18 THE COURT: All right. Form a line over
19 there, ma'am.

20 PROSPECTIVE JUROR: Sir, I don't feel good.

21 THE COURT: What's your name?
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1 **MARI CABRIALES,**
2 having been called as a prospective juror and, upon
3 her oath, was examined and testified as follows:

4 **VOIR DIRE EXAMINATION**

5 **BY THE COURT:**

6 PROSPECTIVE JUROR: Mari Cabriales.

7 THE REPORTER: I can't hear you.

8 PROSPECTIVE JUROR: Oh, I'm sorry. Mari
9 Cabriales.

10 THE COURT: Please sit down, and I'll call
11 you in a minute. Do me a favor and look for Mari
12 Cabriales.

13 DEPUTY CLERK: Sure.

14 (Excused at 9:32 a.m.)

15 **JESSICA C. DOMINGUEZ,**
16 having been called as a prospective juror and, upon
17 her oath, was examined and testified as follows:

18 **VOIR DIRE EXAMINATION**

19 **BY THE COURT:**

20 THE COURT: Let me just take one from the
21 top. Jessica Castellano Dominguez? Are you Jessica
22 Castellano Dominguez?

23 PROSPECTIVE JUROR: Yes.

24 THE COURT: You are not an American
25 citizen?

1 PROSPECTIVE JUROR: No, sir. I am not.

2 THE COURT: You are excused. Thank you.

3 Any objections? I'm assuming there is no objections.

4 MR. PADILLA: No objections from the State.

5 THE COURT: And that's Juror No. 200825.

6 Thank you, ma'am.

7 **(Excused at 9:33 a.m..)**

8 THE COURT: Eriselda Arreola? Get her name
9 please.

10 PROSPECTIVE JUROR: I have a five year old
11 boy that I need to go pick him up at school every day.

12 THE COURT: Can anybody else pick him up?

13 PROSPECTIVE JUROR: No. Because when he
14 goes to the bus, he is going to be staying alone in the
15 house because I go to work and I get out at 2:00 so I can
16 be there at home.

17 THE COURT: All right. I'm going to go
18 ahead and reschedule you, but next time make proper
19 arrangements please. Any objections?

20 MR. GILMAN: No, sir.

21 MR. PADILLA: No objections, Your Honor.

22 THE COURT: Juror 825935.

23 Vallarrie Dillon, please step forward? The
24 other lady's name is Mari Cabriela. Cabriela, I think.

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VALLARIE DILLON,
having been called as a prospective juror and, upon
VOIR DIRE EXAMINATION

BY THE COURT:

Yes, ma'am? You may leave. You can't sit down for a long period of time?

PROSPECTIVE JUROR: No, sir. And I'm not even driving yet. I just had a total knee put in.

THE COURT: I understand. It's going to be painful for awhile.

PROSPECTIVE JUROR: You betcha!

THE COURT: It's granted. Good luck. Any objections, gentlemen?

MR. GILMAN: No objections, Your Honor.

THE COURT: That's Vallarie Dillon.
Juror 258832. Did you get that?

THE REPORTER: Yes.

(Excused at 9:34 a.m..)

DUANE PALMER MISHLER,
having been called as a prospective juror and, upon
his oath, was examined and testified as follows:

VOIR DIRE EXAMINATION

BY THE COURT:

THE COURT: Duane Palmer Mishler?
The lady that was here was Mari Cabriela,

1 or something like that. The lady with the intestinal flu.
2 We had her sit back down, but I was looking for her.

3 Duane Palmer Mishler? He is over 70 years
4 old. Is there any objections?

5 MR. GILMAN: No objections.

6 THE COURT: Juror No. 797828. He's over 70
7 years. If you're over 70, sir, you don't have to serve if
8 you don't want to.

9 PANEL MEMBER: I put that in but they
10 called me and said I had to show up any way.

11 THE COURT: Well, we had to make a record
12 of it. That's the problem on these kind of cases.

13 MR. GILMAN: It's a special type of case.

14 THE COURT: You are excused now. We had to
15 make a record of it, sir. Sorry for the inconvenience.
16 Good luck, God bless. Give him the number please.

17 (Excused at 9:35 a.m.)

18 FRANCISCO C. RODRIGUEZ,
19 having been called as a prospective juror and, upon
20 his oath, was examined and testified as follows:

21 VOIR DIRE EXAMINATION

22 BY THE COURT:

23 THE COURT: Francisco Cavazos Rodriguez?

24 PROSPECTIVE JUROR: I get real nervous when
25 I have to drive. One of my cousins died in an accident

1 about ten years ago, and I don't drive. I get real
2 nervous.

3 THE COURT: How do you get here?

4 PROSPECTIVE JUROR: My father brought me.
5 He's 74, and he's waiting for me outside. And especially
6 in this type of case, I get real nervous when I heard
7 about this case when I heard you talking about it, and I
8 would like to be excused.

9 MR. GILMAN: I have no objections.

10 MR. PADILLA: The State has no objections.

11 THE COURT: You are excused because they
12 have no objections. This is Juror 184669.

13 PROSPECTIVE JUROR: Okay. May I leave?

14 THE COURT: You may leave. Thank you very
15 much.

16 (Excused at 9:36 a.m..)

17 MARI ANN SALADERO,
18 having been called as a prospective juror and, upon
19 her oath, was examined and testified as follows:

20 VOIR DIRE EXAMINATION

21 BY THE COURT:

22 THE COURT: Marie Ann Saladero, Juror No.
23 192368.

24 MR. CORDOVA: She is there in the back.
25 She's coming, Judge.

1 THE COURT: Where is the lady with the
2 intestinal flu problems?

3 MR. VILLALOBOS: Can we ask one of the
4 bailiffs to ask for her name, again?

5 THE COURT: Your name please?

6 PROSPECTIVE JUROR: Marie Saladero.

7 THE COURT: Yes, ma'am. You have a medical
8 procedure due today.

9 PROSPECTIVE JUROR: Yes. And then on
10 Saturday.

11 THE COURT: She is going through fertility
12 treatment and is going through treatments right now.

13 MR. GILMAN: No objections.

14 THE COURT: No objections from the State?

15 MR. PADILLA: No objections.

16 THE COURT: That's Juror 192368. You are
17 excused, ma'am. Sorry for the inconvenience.

18 (Excused at 9:37 a.m..)

19 MR. CORDOVA: There is a young lady back
20 there with a child. You want me to bring her up?

21 THE COURT: Get her name.

22 MR. CORDOVA: I will. You want me to bring
23 her?

24 THE COURT: No. Get her name so we can
25 find it. You are excused, ma'am. Do you see any bailiffs

1 handy?

2 Joe?

3 THE BAILIFF: Yes, sir.

4 THE COURT: I am looking for the lady --
5 there was a lady with intestinal problems. A real thin
6 lady. She gave me her name, but I don't think she got
7 excused.

8 Maria G. Longoria? Jaime Tapatillo, and
9 Maria G. Longoria? Donna Del Fonner? This is Juror
10 225546.

11 **DONNA DEL FONNER,**
12 **having been called as a prospective juror and, upon**
13 **his oath, was examined and testified as follows:**

14 **VOIR DIRE EXAMINATION**

15 **BY THE COURT:**

16 PROSPECTIVE JUROR: Yes, sir.

17 THE COURT: Hi, Ms. Del Fonner. You are a
18 receiving clerk for Wal-Mart?

19 PROSPECTIVE JUROR: Yes. The man that I
20 work for is on vacation.

21 THE COURT: Under most circumstances, it's
22 not a valid circumstances.

23 PROSPECTIVE JUROR: And the second one was,
24 I can't hear out of my left ear and I wear a hearing aid
25 on my right. I don't feel comfortable.

1 THE COURT: Mr. Gilman? Mr. Padilla. I
2 don't think it's a proper excuse, but --

3 MR. PADILLA: Can we discuss the matter?
4 Can she step back to discuss this?

5 THE BAILIFF: Marie Cabriele is the one
6 that I was looking for.

7 MR. PADILLA: Under the circumstances, we
8 have no objections.

9 THE COURT: You have no objections.

10 MR. GILMAN: No objections.

11 THE COURT: You are excused. Because they
12 didn't object.

13 MR. PADILLA: And because of her medical
14 condition.

15 THE COURT: And because of the medical
16 condition.

17 MR. PADILLA: Not because she has to work
18 like the rest of us.

19 THE COURT: You guys are more generous than
20 I am.

21 (Excused at 9:36 a.m..)

22 KEN M. SOLES,
23 having been called as a prospective juror and, upon
24 his oath, was examined and testified as follows:

25 VOIR DIRE EXAMINATION

1 BY THE COURT:

2 THE COURT: Ken M. Soles. This is juror
3 Number 725388. Hi, Mr. Soles.

4 It says he's an auctioneer. He's his only
5 own employee. Economic hardship is not a specific reason,
6 Mr. Soles.

7 PROSPECTIVE JUROR: I understand.

8 THE COURT: You'll be done today. You'll
9 get an appointment at a later time to come in and be
10 interviewed.

11 PROSPECTIVE JUROR: That's fine. After
12 Saturday I'm free any way.

13 THE COURT: Then I'm going to deny your
14 request. Please come back at 10:30.

15 (Excused at 9:36 a.m..)

16 THE COURT: Maria Guadalupe Longoria?

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22 MARIA G. LONGORIA,

23 having been called as a prospective juror and, upon
24 his oath, was examined and testified as follows:

25 VOIR DIRE EXAMINATION

1 BY THE COURT:

2 THE COURT: Mr. Soles didn't get his badge.
3 He is going to need his badge to step back in.

4 MR. GILMAN: He's the big tall gray haired
5 man.

6 THE COURT: Hi, Mrs. Longoria. How are you
7 doing?

8 PROSPECTIVE JUROR: Okay.

9 THE COURT: Nobody else takes care of your
10 kid.

11 PROSPECTIVE JUROR: No, sir. I quit my job
12 three years ago as a teacher, to stay home and take care
13 of him?

14 THE COURT: He's a good looking boy.

15 PROSPECTIVE JUROR: Thank you.

16 THE COURT: Any objections on this
17 exemption?

18 MR. PADILLA: No objections, from the
19 State.

20 MR. GILMAN: No objections.

21 THE COURT: You may be excused. Thank you
22 very much.

23 (Excused at 9:37 a.m.)

24 THE COURT: This is Juror 15621.

25 Maria Guadalupe Longoria is excused.

1 Jaime Capetillo?

2 JAIME CAPETILLO,

3 having been called as a prospective juror and, upon
4 his oath, was examined and testified as follows:

5 VOIR DIRE EXAMINATION

6 BY THE COURT:

7 THE COURT: We did not find -- hi, Mr.
8 Capetillo. Ford Gabriel, Mari Cabriales. She has
9 intestinal problem. Did you find her? She has intestinal
10 problems.

11 THE BAILIFF: She didn't come up?

12 THE COURT: Go get her please. Jaime
13 Capetillo. This is Juror 222190. You work at Wal-Mart
14 and your family is unable to take care of your child.
15 Wife just started working at Wal-Mart, and her family
16 lives in Houston. Who else takes care of --

17 PROSPECTIVE JUROR: She was taking care of
18 them right now, but she just got hired. This is her
19 second day on the job at Wal-Mart. So she usually takes
20 care of them. Right now they have her scheduled for
21 training in the morning. And after training, we're going
22 to work it out where she gets to take care of them.

23 THE COURT: So you're claiming an exemption
24 because you have a child that cannot be left alone by
25 itself? Any objections, Mr. Gilman?

1 MR. GILMAN: Well, what is your work
2 service? I mean if your wife is working at Wal-Mart, and
3 you're working at Wal-Mart, who is going to be taking care
4 of the baby?

5 PROSPECTIVE JUROR: Well, right now, I had
6 her taking care of him. Today was my day off. We planned
7 it that she was going to working on her day off. We are
8 trying to work around schedules but when she starts --
9 actually starts getting out of training, I'm going to work
10 at two, and she is going to be working until five.

11 MR. GILMAN: Five in the morning, until
12 two?

13 PROSPECTIVE JUROR: Yeah.

14 MR. GILMAN: Just a second, please. I got
15 to follow this order. I can't -- I got to object.

16 THE COURT: Is there an objection?

17 MR. GILMAN: I have to.

18 THE COURT: Mr. Capetillo, there's an
19 objection. Basically you are going to go through today,
20 and you will get an appointment later on to come back.
21 Today is going to be a little bit rough, but later on it's
22 going to be easier. So you've going to have to make some
23 arrangements. I'm going to deny your request at this
24 time. Come back at 10:30.

25 PROSPECTIVE JUROR: Come back at 10:30?

1 THE COURT: Yes, sir.

2 (Excused at 9:41 a.m..)

3 THE COURT: This should be Mari Cabriales.

4 MR. GILMAN: Judge, now I've got one pissed
5 off juror at me. I don't need that. Because I denied his
6 -- if the State doesn't want to be the one that says that
7 they object either. So can we put up some sort of signal
8 or something?

9 THE COURT: Pull on your ears.

10 MR. GILMAN: Okay.

11 MR. PADILLA: We can ask the juror to sit
12 back before -- if we're not in agreement, have the juror
13 step back so the juror won't hear.

14 THE COURT: That's fine. Just go like
15 this, or go like that -- and he won't see you -- and we'll
16 ask him to step back, and we'll proceed.

17 JENNIFER WROTEN,
18 having been called as a prospective juror and, upon
19 her oath, was examined and testified as follows:

20 VOIR DIRE EXAMINATION

21 BY THE COURT:

22 THE COURT: Jaime Capetillo. Oh, no.
23 You're okay. I'm sorry. Jennifer Wroten. This is Juror
24 Number 740136.

25 Hi, Mr. Wroten.

1 PROSPECTIVE JUROR: Hello.

2 THE COURT: You have a child under ten, and
3 that you care for during the day. And, there's nobody
4 else?

5 PROSPECTIVE JUROR: No.

6 THE COURT: Who takes care of her when
7 you're not around?

8 PROSPECTIVE JUROR: My mom does if she's
9 not working. She's a substitute teacher in Port Isabel.
10 And if she's not working, then she'll take care of my
11 baby.

12 THE COURT: You work at night?

13 PROSPECTIVE JUROR: I work at night. I
14 have a six year old son, also, at home, too.

15 THE COURT: Would you step back, please?

16 **(Discussion on the record at the bench.)**

17 THE COURT: She cares for him during the
18 day and she works at night. Her mother takes cares of the
19 kid at night. Any objections?

20 MR. VILLALOBOS: The State has no
21 opposition to her being excused, Your Honor.

22 THE COURT: She takes care of the kid
23 during the day, and she has nobody else to leave it with.
24 I'm going to go ahead and grant it. Are you objecting,
25 sir?

1 MR. GILMAN: Go ahead, Judge.

2 THE COURT: You may be excused. Thank you
3 very much.

4 (Excused at 9:43 a.m.)

5 JANET CORTEZ,
6 having been called as a prospective juror and, upon
7 her oath, was examined and testified as follows:

8 VOIR DIRE EXAMINATION

9 BY THE COURT:

10 THE COURT: Janet Cortez? Another child
11 under ten. Child under ten. Juror Number 151795. Hi,
12 Mrs. Cortez? How far along are you pregnant?

13 PROSPECTIVE JUROR: I'm eight months
14 pregnant.

15 THE COURT: Eight months pregnant.

16 MR. GILMAN: No objections, Judge.

17 THE COURT: How are you doing.

18 MR. PADILLA: He wants to shake your hand.

19 THE COURT: (shakes hands with a small
20 child). Give me your hand. All right. Take care. You
21 are excused. Thank you. That is Juror Number 151795 that
22 is excused for medical reasons.

23 (Excused at 9:43 a.m.)

24 JUANITA ROSALES HERNANDEZ,
25 having been called as a prospective juror and, upon

1 her oath, was examined and testified as follows:

2 VOIR DIRE EXAMINATION

3 BY THE COURT:

4 THE COURT: Juanita Rosales Hernandez?
5 This is Juror Number 817398.

6 PROSPECTIVE JUROR: (coming from the back
7 of the room) Yes.

8 THE COURT: She has a child under ten and
9 she has her grandmother in the hospital with cancer, and
10 she's approaching up in the red blouse with the child in
11 her arm.

12 MR. PADILLA: What's the juror number
13 again, Judge?

14 THE COURT: Juror No. 817398. Yes, ma'am?

15 PROSPECTIVE JUROR: Sir, I'm a stay at home
16 mom. I have this two year old, and I have another one
17 nine years old.

18 THE COURT: Is there anybody that can take
19 care of them while you're gone?

20 PROSPECTIVE JUROR: No, sir.

21 THE COURT: You are excused. Thank you
22 very much.

23 PROSPECTIVE JUROR: No problem.

24 (Witness was excused at 9:45 a.m.)

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MARIE VELMA CABRIALES,
having been called as a prospective juror and, upon
her oath, was examined and testified as follows:

VOIR DIRE EXAMINATION

BY THE COURT:

THE COURT: Mari Cabrialess? This is Juror
No. 759742. Hi, Mrs. Cabrialess. We would have called
your name earlier, except that we were having a hard time
finding you.

PROSPECTIVE JUROR: Oh, that's all right.

MR. PADILLA: We have no objections.

MR. GILMAN: We have no objections, Your
Honor.

THE COURT: Good luck. God bless.

PROSPECTIVE JUROR: Thank you, sir. Now I
can go back to college.

THE COURT: God bless you. That's Juror
Number 759742 who is excused for medical reasons.

(Excused at 9:45 a.m.)

ALICIA GARCIA AGUILAR,
having been called as a prospective juror and, upon
her oath, was examined and testified as follows:

VOIR DIRE EXAMINATION

BY THE COURT:

THE COURT: Alicia Garza Aguilar? Juror

1 Number 11943.

2 PROSPECTIVE JUROR: Yes.

3 THE COURT: Are you a Jehovah witness?

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: How long have you been a
6 Jehovah witness?

7 PROSPECTIVE JUROR: Twenty years.

8 THE COURT: What temple do you belong to?

9 PROSPECTIVE JUROR: San Benito South?

10 THE COURT: And why is it that you think
11 that you ought to be excused?

12 PROSPECTIVE JUROR: Because I have a
13 conscious, and I think it will kill me.

14 THE COURT: We all have a conscious.

15 PROSPECTIVE JUROR: I know. But I only
16 believe that God is the only one that judges.

17 THE COURT: Jehovah's witness. It's
18 against her religion. It's against her conscious to judge
19 anybody. Any objections?

20 MR. GILMAN: Well, it's against mine, too.

21 THE COURT: Any objections?

22 MR. PADILLA: Based on her religious
23 principles? No, Your Honor.

24 THE COURT: I'm going to go ahead and grant
25 her excuse. Thank you very much.

1 PROSPECTIVE JUROR: Thank you, sir. Thank
2 you all.

3 (Excused at 9:47 a.m.)

4 MARIA DE LA LUZ SANCHEZ,
5 having been called as a prospective juror and, upon
6 her oath, was examined and testified as follows:

7 VOIR DIRE EXAMINATION

8 BY THE COURT:

9 THE COURT: Maria De La Luz Sanchez? This
10 is Juror 217341. Maria De La Luz Sanchez?

11 Hi. How are you, Mrs. Sanchez?

12 PROSPECTIVE JUROR: I'm okay. This is the
13 last week of school. I work in the cafeteria. And my --
14 I get out at 2:30. I have a special ed grandson. My
15 daughter works for CPS, and I take care of him in the
16 afternoon when the bus drops him off.

17 THE COURT: Anybody else that takes care of
18 that child?

19 PROSPECTIVE JUROR: No.

20 THE COURT: You're the only one? How old
21 is the child?

22 PROSPECTIVE JUROR: Then. But he's a
23 special kid?

24 MR. PADILLA: Can I ask her from here? Are
25 you going to take care of this child during the summer?

1 If this case gets tried in June, will you be taking care
2 of the child then?

3 PROSPECTIVE JUROR: No. I wanted to know
4 if I could be excused for at least these two weeks. And
5 then they can call me, or whatever they want.

6 MR. PADILLA: This week, and next week?

7 PROSPECTIVE JUROR: Yes. Because he goes
8 out on the second.

9 MR. GILMAN: She can serve.

10 THE COURT: We are going to ask you to stay
11 until 1:30 or so, today and then I'll try to get you out
12 earlier, and we will have an appointment set out for you
13 more than two weeks from now. Is that fair enough,
14 gentlemen?

15 MR. PADILLA: Yes. So she comes back at
16 10:30, to fill out the questionnaire?

17 THE COURT: Yes. She comes back at 10:30.

18 PROSPECTIVE JUROR: All right.

19 (Witness was excused at 9:47 a.m.)

20 ROBERT JOSEPH TAMAYO,
21 having been called as a prospective juror and, upon
22 his oath, was examined and testified as follows:

23 VOIR DIRE EXAMINATION

24 BY THE COURT:

25 THE COURT: Okay. Robert Joseph Tamayo?

1 This is Juror Number 241917.

2 (Discussion on the record at the bench.)

3 THE COURT: Her appointment list needs to
4 be after two weeks.

5 (End of bench conference.)

6 THE COURT: Hi, Mr. Tamayo. How are you
7 doing? You're the only one that takes care of your
8 daughter?

9 PROSPECTIVE JUROR: That's correct.

10 THE COURT: She's a beautiful girl.

11 PROSPECTIVE JUROR: Thank you.

12 THE COURT: When you don't take care of
13 her, who takes care of her?

14 PROSPECTIVE JUROR: No one does. My wife
15 works, and my parents are -- one of them has cancer so she
16 does chemo. She can't take care of her.

17 MR. PADILLA: We have no objections.

18 MR. GILMAN: No objections.

19 THE COURT: You are excused, and there are
20 no objections. Good luck. God bless.

21 (Excused at 9:48 a.m.)

22 (Discussion on the record at the bench.)

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1 JUSTIN TEMPLE FISHER,
2 having been called as a prospective juror and, upon
3 his oath, was examined and testified as follows:

4 VOIR DIRE EXAMINATION

5 BY THE COURT:

6 THE COURT: Justin Temple Fisher? Children
7 under ten. Wife works. Takes care of three children.

8 MR. CORDOVA: His wife works?

9 THE COURT: That's what he says.

10 MR. PADILLA: The wife is not here.

11 THE COURT: He says children under ten.

12 Wife works. He takes care of three children.

13 (End of bench conference.)

14 THE COURT: How old are your kids, sir?

15 PROSPECTIVE JUROR: I got one that's six,
16 one that's four, and one that's 20 months old.

17 THE COURT: And who takes care of the
18 children when you don't?

19 PROSPECTIVE JUROR: We don't have anybody,
20 or relatives that takes care of our children.

21 THE COURT: What does your wife do?

22 PROSPECTIVE JUROR: She's a hairdresser.

23 THE COURT: And you do not work?

24 PROSPECTIVE JUROR: That's right.

25 THE COURT: You take care of the kids?

1 PROSPECTIVE JUROR: Yes, sir.

2 THE COURT: Any objections, gentlemen?

3 MR. PADILLA: No, Your Honor.

4 MR. GILMAN: No objections.

5 MR. PADILLA: For the record, Judge, no
6 objections from the State.

7 (Excused at 9:49 a.m.)

8 DAVID ANDERSON GUEST,
9 having been called as a prospective juror and, upon
10 his oath, was examined and testified as follows:

11 VOIR DIRE EXAMINATION

12 BY THE COURT:

13 THE COURT: David Anderson Guest? Juror
14 Number 283159.

15 Sir, where were you convicted, sir?

16 PROSPECTIVE JUROR: North Carolina.

17 THE COURT: You're excused. Thank you very
18 much.

19 (Excused at 9:49 a.m.)

20 THE COURT: He's a convicted felon. That
21 was Juror No. 283159.

22 CAROLINA CASTILLO,
23 having been called as a prospective juror and, upon
24 her oath, was examined and testified as follows:

25 VOIR DIRE EXAMINATION

1 **BY THE COURT:**

2 THE COURT: Carolina Castillo. Juror
3 Number 8152520.

4 **(Discussion on the record at the bench.)**

5 DEPUTY CLERK: Judge?

6 THE COURT: Yes?

7 DEPUTY CLERK: She'll be back in two weeks?

8 THE COURT: No. Her appointment should be
9 after two weeks. In other words, the next two weeks she's
10 going to be busy. Make sure that her individual voir dire
11 is after two weeks. Is that fair enough?

12 MR. PADILLA: Unless she is first on the
13 list.

14 **(End of conference.)**

15 THE COURT: Hi, Mrs. Castillo. How old are
16 you, ma'am?

17 PROSPECTIVE JUROR: Just fine, thank you,
18 sir.

19 THE COURT: How old are you?

20 PROSPECTIVE JUROR: I am 70.

21 THE COURT: That's the great advantage of
22 getting at this stage, you don't have to serve if you
23 don't want to.

24 PROSPECTIVE JUROR: Okay. Thank you.

25 THE COURT: Good luck; God bless.

1 MR. PADILLA: Goodbye.

2 (Excused at 9:50 a.m.)

3 CONSUELO JAMES,

4 having been called as a prospective juror and, upon
5 her oath, was examined and testified as follows:

6 VOIR DIRE EXAMINATION

7 THE COURT: Consuelo James? Juror No.
8 221912. Mrs. James?

9 PROSPECTIVE JUROR: Hello.

10 THE COURT: How are you doing?

11 PROSPECTIVE JUROR: Just fine. The reason
12 is -- every once in awhile, I've got to go urinate and I'm
13 going to be bothering the bailiff. Otherwise, I would
14 have served.

15 THE COURT: Mrs. James is claiming diabetes
16 and medical problem -- "diabetes, melitis requiring
17 frequent urination. Not being able to sit down for a long
18 time."

19 PROSPECTIVE JUROR: I can sit down, but I
20 am going to ask the bailiff to keep letting me go.

21 THE COURT: She is going to be embarrassed
22 telling the bailiff frequently that she has to go.

23 Can you step back just a little bit, ma'am?

24 (Discussion on the record at the bench.)

25 MR. PADILLA: Just for the record the State

1 has no objections, Your Honor.

2 MR. GILMAN: I object.

3 THE COURT: Mrs. James?

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: The attorneys are being nice to
6 you. I would have made you serve.

7 PROSPECTIVE JUROR: And I would have loved
8 to serve.

9 THE COURT: You are excused. Good to see
10 you, ma'am.

11 PROSPECTIVE JUROR: Good seeing you.

12 (Excused at 9:51 a.m.)

13 THE COURT: For the record that's Tony
14 James mama. Nice shrewd and powerhouse "politica".

15 MARIA ELENA RODRIGUEZ,
16 having been called as a prospective juror and, upon
17 her oath, was examined and testified as follows:

18 VOIR DIRE EXAMINATION

19 BY THE COURT:

20 THE COURT: Maria Elena Rodriguez, Juror
21 Number 276526.

22 She's in the U.S. Reserves and has a child
23 under ten.

24 MR. PADILLA: And she's expecting a child
25 too, Judge.

1 THE COURT: Hi, Mrs. Rodriguez. Okay.
2 You're in the U.S. Reserves?

3 PROSPECTIVE JUROR: Yes.

4 THE COURT: You have a child under 10?

5 PROSPECTIVE JUROR: A six year old.

6 THE COURT: Who takes care of him? Are you
7 expecting another child?

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: How far along are you?

10 PROSPECTIVE JUROR: I'm 34 weeks.

11 THE COURT: That's pretty close. Why don't
12 you claim that to begin with. That would have gotten --

13 PROSPECTIVE JUROR: I didn't know if it
14 would work. The one I have now, works.

15 THE COURT: God bless you. Take care.
16 It's granted. That was Juror Number 276526. Excused for
17 medical reason.

18 (Excused at 9:52 a.m.)

19 AIDA CASTILLO,
20 having been called as a prospective juror and, upon
21 her oath, was examined and testified as follows:

22 VOIR DIRE EXAMINATION

23 BY THE COURT:

24 THE COURT: Aida Castillo. Juror No.
25 168454. Aida Castillo? She suffers from anxiety

1 disorder. She's got a letter from Social Security.
2 "Please excuse her to do her disability anxiety disorder,
3 and she is entitled to monthly benefits because of this."

4 Hi, Ms. Castillo?

5 PROSPECTIVE JUROR: Hello.

6 THE COURT: Are you doing okay?

7 PROSPECTIVE JUROR: I'm a little bit
8 nervous.

9 THE COURT: Nothing to be nervous about.

10 PROSPECTIVE JUROR: It's just the crowd.

11 THE COURT: Can you step back just a little
12 bit. Let me just talk to the attorneys.

13 **(Discussion on the record at the bench.)**

14 THE COURT: The letter says that she is
15 receiving Social Security benefits from Social Security
16 for medical reasons, and that she suffers from anxiety
17 disorder.

18 MR. GILMAN: No objections.

19 MR. PADILLA: No objections.

20 THE COURT: No objections? It will be
21 granted.

22 **(Discussion on the record at the bench.)**

23 THE COURT: Step forward, ma'am. You are
24 excused for medical reasons. Good luck. God bless.

25 **(Excused at 9:53 a.m.)**

1 JOHN CHARLES RANDOLPH,
2 having been called as a prospective juror and, upon
3 his oath, was examined and testified as follows:

4 VOIR DIRE EXAMINATION

5 BY THE COURT:

6 THE COURT: John Charles Randolph? That's
7 Juror No. 128433.

8 PROSPECTIVE JUROR: My wife's grandmother,
9 she's on a plane tour right now. I have to take care of
10 my daughter.

11 THE COURT: And when will your wife be
12 back?

13 PROSPECTIVE JUROR: She'll be back on
14 Monday.

15 THE COURT: Who is taking care of your
16 daughter now?

17 PROSPECTIVE JUROR: She's with a provider
18 that helps us in the morning.

19 THE COURT: Will you step back,
20 Mr. Randolph?

21 (Discussion on the record at the bench.)

22 MR. GILMAN: I object.

23 THE COURT: Pardon me?

24 MR. GILMAN: I will object to him being
25 excused.

1 MR. PADILLA: He is available Monday. If
2 he is available today, and Monday.

3 (End of bench conference.)

4 THE COURT: Mr. Randolph?

5 PROSPECTIVE JUROR: Yes, sir?

6 THE COURT: What do you do for a living?

7 PROSPECTIVE JUROR: I'm a teacher in Los
8 Fresnos.

9 THE COURT: Oh, this would be a wonderful
10 experience for a teacher.

11 PROSPECTIVE JUROR: I love it.

12 THE COURT: Well, you're going to serve
13 today and then you'll get an appointment to come in later.
14 We're not going to excuse you today. I'm going to ask you
15 to come back at 10:30.

16 PROSPECTIVE JUROR: My daughter is
17 disabled. I have to take her to the therapy thing. My
18 wife usually does it, but she's on a plane.

19 THE COURT: I know. This will be just
20 today. And then after Monday, you'll have to come back.

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: So it's just today, and then
23 Monday.

24 PROSPECTIVE JUROR: Okay. I think I can
25 handle that.

1 THE COURT: Thank you very much. We're
2 going to need your badge.

3 (excused at 9:55 a.m.)

4 JEFFREY NIXON GOWEN,
5 having been called as a prospective juror and, upon
6 his oath, was examined and testified as follows:

7 VOIR DIRE EXAMINATION

8 BY THE COURT:

9 THE COURT: Jeffrey Nixon Gowen?

10 (Discussion on the record at the bench.)

11 THE COURT: This is Juror Number 300168,
12 Type One diabetes, with a pump.

13 MR. PADILLA: With a what?

14 THE COURT: Type One diabetes with a pump.
15 He has an insulin pump.

16 (End of bench conference.)

17 THE COURT: How are you doing, Mr. Gowen?

18 PROSPECTIVE JUROR: Hi.

19 THE COURT: You don't think that you can
20 serve?

21 PROSPECTIVE JUROR: It's off and on. It's
22 not as well controlled as I'd like, unfortunately. I have
23 to take my sugar all of the time. I have to eat at
24 certain times. I think it would be a real problem.

25 THE COURT: But normally we take breaks at

1 mid morning, and we take breaks in the late afternoon. It
2 probably would not start, my guess, about two or three
3 weeks from now.

4 PROSPECTIVE JUROR: Well, I'm going to
5 leave it up to you guys. I prefer not to because of the
6 problems with the insulin pump. I am perfectly able to do
7 things at work, but I never know.

8 THE COURT: Okay. Step back just a little
9 bit.

10 **(Discussion on the record at the bench.)**

11 MR. GILMAN: I'm going to object.

12 MR. PADILLA: The State has no objections
13 based upon the medical condition.

14 **(End of bench conference.)**

15 THE COURT: Mr. Gowen. Please step
16 forward. You are excused for medical reasons.

17 PROSPECTIVE JUROR: Thank you.

18 THE COURT: That's Juror Number 300168.
19 Jeffrey Nixon Gowen.

20 **(Excused at 9:56 a.m.)**

21 ERNEST CASTILLO,
22 having been called as a prospective juror and, upon
23 his oath, was examined and testified as follows:

24 VOIR DIRE EXAMINATION

25 BY THE COURT:

1 THE COURT: Ernest Castillo? Juror Number
2 856745. He is walking up with crutches. He requires
3 daily treatments at the hospital. Osteomyelitis. Open
4 wound on his left foot. How long is it going to be like
5 that, sir?

6 PROSPECTIVE JUROR: I don't know I going
7 through hyperbatic chamber, and it's going to take weeks,
8 I think.

9 MR. GILMAN: No objections.

10 THE COURT: I'm going to grant it for
11 medical reasons. You may be excused.

12 MR. PADILLA: No objections, Your Honor.

13 THE COURT: God luck. God bless.

14 (Excused at 9:56 a.m.)

15 DAVID R. CAVAZOS,
16 having been called as a prospective juror and, upon
17 his oath, was examined and testified as follows:

18 VOIR DIRE EXAMINATION

19 BY THE COURT:

20 THE COURT: David Ramon Cavazos? That's
21 Juror 715325. He is walking up. He has a medical reason.
22 Will explain further. Real uncomfortable growth in a
23 delicate area.

24 Hi, Mr. Cavazos, how are you doing today?

25 PROSPECTIVE JUROR: I'm a medical -- you

1 know --

2 THE REPORTER: I'm sorry. I can't hear
3 you.

4 PROSPECTIVE JUROR: It's growing into my
5 private area, and it is very uncomfortable, and I'm trying
6 to cure it, and it's contagious -- in a way -- I've been
7 told.

8 MR. GILMAN: No objections.

9 MR. PADILLA: No objections.

10 THE COURT: I will go ahead and grant it
11 for medical reasons. You are excused. Good luck. God
12 bless.

13 (excused at 9:57 a.m.)

14 MICHELLE ANN HARISTON,
15 having been called as a prospective juror and, upon
16 her oath, was examined and testified as follows:

17 VOIR DIRE EXAMINATION

18 BY THE COURT:

19 THE COURT: Michelle Ann Hariston. That's
20 Juror Number 270472. She's claiming a student exemption.

21 Hi, Mrs. Hariston. Are you going to be
22 going to school during the summer?

23 PROSPECTIVE JUROR: No.

24 THE COURT: How much more school do you
25 have?

1 PROSPECTIVE JUROR: I go back in the fall.

2 THE COURT: In the fall?

3 PROSPECTIVE JUROR: Yes.

4 THE COURT: And, are you done through
5 school right now?

6 PROSPECTIVE JUROR: For the summer, yes.

7 THE COURT: Well, unless you are enrolled
8 as a full-time student during the summer --

9 PROSPECTIVE JUROR: Okay.

10 THE COURT: -- you are still eligible to
11 serve.

12 PROSPECTIVE JUROR: Okay.

13 THE COURT: Okay?

14 PROSPECTIVE JUROR: Okay.

15 THE COURT: Come back at 10:30. You're
16 going to need your badge. Just a minute, please. She's
17 going to give you your badge.

18 (excused at 9:58 a.m.)

19 EVANA JUAREZ,
20 having been called as a prospective juror and, upon
21 her oath, was examined and testified as follows:

22 VOIR DIRE EXAMINATION

23 BY THE COURT:

24 THE COURT: Evana Juarez? Juror 190862.
25 School teacher at San Benito High School.

1 PROSPECTIVE JUROR: No. San Benito
2 Elementary.

3 THE COURT: I'm sorry. I.S.D. I
4 apologize.

5 PROSPECTIVE JUROR: That's okay.

6 THE COURT: Last day is tomorrow. Teachers
7 last day, is Friday. You're going to be, actually,
8 serving today?

9 Today. And then after that, you're going
10 to get an appointment either the next two or three weeks.

11 PROSPECTIVE JUROR: Also, one of those
12 questions was, if you have a relative in law
13 enforcement --

14 THE COURT: Yes, ma'am.

15 PROSPECTIVE JUROR: -- we're not exempt?

16 THE COURT: No, you're not exempt.

17 PROSPECTIVE JUROR: Oh. What if you've
18 ever been accused of a felony?

19 THE COURT: If you have been convicted of a
20 misdemeanor theft, or a felony, or you are under
21 accusation at the present time for a misdemeanor theft or
22 an accusation, or a felony?

23 PROSPECTIVE JUROR: No, I am not.

24 THE COURT: Well, you can serve today and
25 then later on after school gets out, you can come back.

1 MR. CORDOVA: Judge? Can we have her step
2 back for just a second?

3 THE COURT: Yes, step back, please.

4 **(Discussion on the record at the bench.)**

5 MR. CORDOVA: She is a former client of
6 mine. I represented her.

7 THE COURT: But she's got --

8 MR. PADILLA: Well we need to ask later on
9 if we know them.

10 MR. CORDOVA: She had a felony in Dallas.
11 I don't know. I didn't represent her in that, but it was
12 for drug possession. I think she got deferred on it, but
13 I'm just letting you know.

14 MR. GILMAN: That's a conviction.

15 MR. PADILLA: That's a conviction under the
16 law. Unless the Court wants to ask her about that.
17 Obviously, the State would ask that she be released as a
18 potential --

19 THE COURT: Are you agreeing to release
20 her?

21 MR. PADILLA: We agree to release her.

22 MR. GILMAN: She is exempt, Judge. She
23 received deferred adjudication.

24 **(End of bench conference.)**

25 THE COURT: You are excused. Good luck,

1 and God bless. I'm going to grant 190862, Evana Juarez.
2 Both parties agreed and stipulated that she could be
3 excused.

4 (Excused at 10:00 a.m.)

5 EILEEN K. ANDERSON,
6 having been called as a prospective juror and, upon
7 her oath, was examined and testified as follows:

8 VOIR DIRE EXAMINATION

9 BY THE COURT:

10 THE COURT: Juror Number 132771. Has four
11 children. One gets out at 12 noon. The last one gets out
12 this afternoon. She does not work. You take care of your
13 children, ma'am?

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: How old are your children?

16 PROSPECTIVE JUROR: I have 16, 14, 11, and
17 8.

18 THE COURT: If you are not taking care of
19 the eight year old, who is taking care of them?

20 PROSPECTIVE JUROR: There's nobody else. I
21 don't work. I'm the mom. That's my job.

22 THE COURT: Would you step back, ma'am?

23 PROSPECTIVE JUROR: Yes.

24 THE COURT: Thank you very much.

25 (Discussion on the record at the bench.)

1 MR. PADILLA: The State has no opposition,
2 Your Honor.

3 MR. GILMAN: What did you say?

4 MR. PADILLA: The State has no opposition.

5 THE COURT: She has an eight year old.
6 She's the one that stays home and takes cares of the kids.
7 She has a 16, 14 and a 13, I think. But she's the only
8 that takes care of the eight year old.

9 MR. GILMAN: Can't the sixteen year old
10 take care of the eight year old?

11 THE COURT: Well, in our days, they would
12 have.

13 MR. GILMAN: I know my kids do.

14 THE COURT: But she is claiming -- she
15 wants to claim the eight year old exemption.

16 **(End of bench conference.)**

17 THE COURT: Any objections?

18 PROSPECTIVE JUROR: I also live in
19 Harlingen.

20 THE COURT: Pardon?

21 PROSPECTIVE JUROR: I also live in
22 Harlingen.

23 THE COURT: You live in Harlingen?

24 PROSPECTIVE JUROR: Yes. And I think it's
25 11. It's 16, 14, 11 and 8.

1 THE COURT: Eleven and eight? You heard
2 everything I said, right? You are not supposed to.

3 PROSPECTIVE JUROR: I have good ears.

4 THE COURT: It's remarkable. You would be
5 a wonderful juror.

6 PROSPECTIVE JUROR: A mother has to have
7 ears to hear these things. But I do live in Harlingen.

8 THE COURT: Who's taking care of the eight
9 year old?

10 PROSPECTIVE JUROR: She's in school right
11 now. Nobody. My husband is working. I'm a mom.

12 THE COURT: I'm going to grant it because
13 of the eight year old child. This is Juror Number 132771.
14 You are excused for that reason. Thank you very much.

15 (Excused at 10:01 a.m.)

16 (Discussion on the record at the bench.)

17 THE COURT: If you have an objections, make
18 it for the record.

19 MR. GILMAN: I will, for the record,
20 object.

21 ROSA ISELA RODRIGUEZ,
22 having been called as a prospective juror and, upon
23 her oath, was examined and testified as follows:

24 VOIR DIRE EXAMINATION

25 BY THE COURT:

1 THE COURT: Rosa Isela Rodriguez, Juror
2 Number 204243. Has a six year old child. Works at
3 Wal-Mart. Different shifts. Opens and closes. Who takes
4 care of your child?

5 PROSPECTIVE JUROR: When I open, I take her
6 to school. Right now we are in a shift.

7 THE COURT: Well, when she gets out of
8 school, who's going to take care of her? Please step
9 forward. We have to make a record of it.

10 PROSPECTIVE JUROR: I get out of work
11 before the bus arrives, and I receive her.

12 THE COURT: Okay. What are you going to do
13 during the summer?

14 PROSPECTIVE JUROR: I take her to Wal-Mart,
15 and then my husband picks her up. And then I ask for them
16 to schedule me from 12:00 to 9:00 -- or 1:00 to 9:00, and
17 then I can be with her until midday or one, and then
18 either my husband goes and picks her up from Wal-Mart. Or
19 when I get out of from lunch, I take her to him because he
20 gets out of work at 5:30.

21 THE COURT: Would you step back, ma'am.
22 Step all the way back.

23 **(Discussion on the record at the bench.)**

24 MR. PADILLA: The State is unopposed, Your
25 Honor.

1 MR. GILMAN: You are opposed?

2 MR. PADILLA: The State is unopposed.

3 MR. GILMAN: I'm unopposed.

4 THE COURT: You are excused. Thank you
5 very much.

6 (Excused at 10:03 a.m.)

7 CARLOS MIGUEL RAMIREZ,
8 having been called as a prospective juror and, upon
9 his oath, was examined and testified as follows:

10 VOIR DIRE EXAMINATION

11 BY THE COURT:

12 THE COURT: Carlos Miguel Ramirez. Juror
13 Number 77309. He is taking alternative certification
14 classes. Classes are online every day, Saturday and
15 Sunday. You're not a full-time student?

16 PROSPECTIVE JUROR: No. Well it's
17 complicated. It's an alternative certification program.
18 So what they do -- it is from all the way to the end of
19 July, it is going to be all online. They provide us
20 assignments and we do it. We follow up on every other
21 week. On average, we meet up in person to have a regular
22 lecture.

23 MR. GILMAN: Are these online classes,
24 specific hours. So you have somebody lecturing at a
25 specific hour, or can you pick these things up at any time

1 at 8:00 o'clock tonight, or 10:00 o'clock tonight, or
2 12:00 o'clock?

3 PROSPECTIVE JUROR: Pretty much. You can
4 pick it up at any time. The one only one that has
5 conflict is the actual class. You have to be there,
6 because it requires you to have a certain number of hours
7 to teach. And if I miss one class, that will put me in a
8 bad position, and I'll be playing catch up.

9 THE COURT: Just step back.

10 **(Discussion on the record at the bench.)**

11 THE COURT: Gentlemen, I think he is going
12 to be so preoccupied that he's not going to be able to
13 focus.

14 MR. PADILLA: The State is unopposed, Your
15 Honor.

16 THE COURT: I will go ahead and grant it.

17 **(End of bench conference.)**

18 THE COURT: Mr. Ramirez? Juror Number
19 77309, you're excused.

20 PROSPECTIVE JUROR: Thank you.

21 **(Excused at 10:04 a.m.)**

22 ROSA MARIA GARCIA,
23 having been called as a prospective juror and, upon
24 her oath, was examined and testified as follows:

25 VOIR DIRE EXAMINATION

1 BY THE COURT:

2 THE COURT: Mrs. Garcia? This is Juror
3 Number 218235. Ms. Garcia -- Rosa Maria Garcia?

4 (Court calls out next prospective juror in
5 line)

6 THE COURT: How old are your children?

7 PROSPECTIVE JUROR: Six and eight.

8 THE COURT: And who takes care of them?

9 PROSPECTIVE JUROR: I do.

10 THE COURT: Do you work?

11 PROSPECTIVE JUROR: No.

12 THE COURT: Anybody around to take care of
13 them?

14 PROSPECTIVE JUROR: No. My husband works.

15 THE COURT: Is there anybody that you can
16 leave the children with?

17 PROSPECTIVE JUROR: No. I'm by myself.

18 MR. GILMAN: Where are the kids right now?

19 PROSPECTIVE JUROR: They're at school.

20 MR. PADILLA: So you're a full-time mom?

21 PROSPECTIVE JUROR: Uh-huh.

22 THE COURT: I'm going to go ahead and grant
23 it. You are excused. Thank you ma'am.

24 Make your objection, if you want

25 Mr. Gilman.

1 MR. GILMAN: But you say it right in front
2 of the prospective juror.

3 (Excused at 10:05 a.m.)

4 VERONICA RODRIGUEZ,
5 having been called as a prospective juror and, upon
6 her oath, was examined and testified as follows:

7 VOIR DIRE EXAMINATION

8 BY THE COURT:

9 THE COURT: Juror Number 795760. She's a
10 teacher. End of the year deadline. She has an eight
11 month old baby. Who is taking care of your baby?

12 PROSPECTIVE JUROR: Right now my
13 mother-in-law. She takes care of him until 3:30. And
14 then I'm going to be first time Sunday school teacher
15 also.

16 THE COURT: That's not a reason, ma'am.

17 PROSPECTIVE JUROR: For the school --
18 nothing like that.

19 THE COURT: That's not a reason.

20 PROSPECTIVE JUROR: For a teacher -- for a
21 summer school, or anything like that.

22 THE COURT: No. The only time that I
23 excuse teachers -- my wife's a teacher --

24 PROSPECTIVE JUROR: Uh-huh --

25 THE COURT: -- is when they have TAAS. I'm

1 going to have excuse them for taking TAAS. Other than
2 that, everybody has to serve.

3 MR. GILMAN: School is over when?

4 PROSPECTIVE JUROR: July 3. School is over
5 July 3.

6 MR. GILMAN: She is basically going to be
7 in trial the whole time.

8
9 THE COURT: (Court Prospective juror in
10 line)

11 THE COURT: Step back to the start, ma'am.
12 **(Discussion on the record at the bench.)**

13 THE COURT: My sense is, she is going to be
14 preoccupied with teaching.

15 MR. GILMAN: She's not going to get any
16 compensation. So, let her go.

17
18 THE COURT: Any objections?

19 MR. PADILLA: Under the circumstances,
20 judge --

21 THE COURT: I understand. I'm just
22 asking --

23 MR. PADILLA: -- under the circumstances,
24 there's no opposition from the State.

25 THE COURT: Thank you very much.

1 (End of bench conference.)

2 THE COURT: You may step forward. You are
3 excused. Thank you very much.

4 (Excused at 10:06 a.m.)

5 IRMA CEPEDA VELASQUEZ,
6 having been called as a prospective juror and, upon
7 her oath, was examined and testified as follows:

8 VOIR DIRE EXAMINATION

9 BY THE COURT:

10 THE COURT: Irma Zepeda Velasquez.
11 (Court calls out next prospective juror in
12 line)

13 Sister is having surgery at 9:00 a.m. Has
14 power of attorney. Has to be available. She's 86 years
15 old.

16 PROSPECTIVE JUROR: Yes, sir.

17 THE COURT: What happens after today?

18 PROSPECTIVE JUROR: What do you mean?

19 MR. GILMAN: Are you able to serve on
20 Monday?

21 PROSPECTIVE JUROR: Well, you see, the
22 thing is I have to be there because she's in the Solaro
23 Hospital. And every time she needs something, I have to
24 sign papers, because I have the power of attorney of her.
25 If I don't sign it, they won't do anything.

1 THE COURT: Step back to the star, ma'am.

2 PROSPECTIVE JUROR: Okay.

3 **(Discussion on the record at the bench.)**

4 THE COURT: Gentlemen? It sounds like
5 she's important -- she is the medical, legal provider --
6 legal provider in terms of authorization for medical
7 treatment on somebody that is invalid. So I'm going to
8 grant it.

9 MR. PADILLA: I don't have any problem with
10 that. I think she's going to be preoccupied.

11 **(End of bench conference.)**

12 THE COURT: Mr. Velasquez? You are
13 excused.

14 **(Excused at 10:08 a.m.)**

15 LILIANA CHAVEZ,
16 having been called as a prospective juror and, upon
17 her oath, was examined and testified as follows:

18 VOIR DIRE EXAMINATION

19 BY THE COURT:

20 THE COURT: Liliana Chavez, Juror Number
21 102145. Step forward, ma'am.

22 (Court calls out next prospective juror in
23 line: Guadalupe Cortez Garza).

24 THE COURT: Juror Number 800964. You are
25 currently enrolled as a student?

1 PROSPECTIVE JUROR: Yes.

2 THE COURT: What are you doing this summer?

3 PROSPECTIVE JUROR: I'm going as a student,
4 too.

5 THE COURT: You're going this summer?

6 PROSPECTIVE JUROR: Yeah.

7 THE COURT: So you're claiming the student
8 exemption. Is that what you're doing?

9 PROSPECTIVE JUROR: Uh-huh.

10 THE COURT: Okay. Thank you. You're
11 excused.

12 PROSPECTIVE JUROR: Thank you.

13 THE COURT: That's Juror Number 102145 is
14 excused.

15 (Excused at 10:08 a.m.)

16 GUADALUPE CORTEZ GARZA,
17 having been called as a prospective juror and, upon
18 her oath, was examined and testified as follows:

19 VOIR DIRE EXAMINATION

20 BY THE COURT:

21 THE COURT: Step forward, ma'am. Guadalupe
22 Cortez Garza. Juror Number 800964.

23 So you got a fracture in your arm, and you
24 start therapy tomorrow?

25 PROSPECTIVE JUROR: Yes.

1 THE COURT: How long are you going to be in
2 therapy?

3 PROSPECTIVE JUROR: I don't know. They
4 didn't tell me.

5 THE COURT: They didn't give you any idea
6 how long it was going to be?

7 PROSPECTIVE JUROR: Ah, he was going to
8 check me tomorrow, and see if they could start it
9 tomorrow.

10 THE COURT: Will you step back to the star,
11 ma'am?

12 (Court calls out next prospective juror in
13 line)

14 **(Discussion on the record at the bench.)**

15 THE COURT: Mrs. Cortez Garza is starting
16 physical therapy for a fracture arm, that she has in a
17 sling. My sense is to go ahead to let her go for medical
18 reasons. Any objections?

19 MR. PADILLA: No objections from the State.

20 MR. GILMAN: No objections.

21 **(End of bench conference.)**

22 THE COURT: Step forward, Mrs. Garza. You
23 are excused.

24 **(Excused at 10:09 a.m.)**

25 **SALLY ELIZABETH SMITH,**

1 having been called as a prospective juror and, upon
2 her oath, was examined and testified as follows:

3 **VOIR DIRE EXAMINATION**

4 **BY THE COURT:**

5 THE COURT: Sally Elizabeth Smith, Juror
6 Number 728418. You're a student?

7 PROSPECTIVE JUROR: Yes, sir.

8 (Court calls out next prospective juror in
9 line)

10 THE COURT: Are you a student this summer?

11 PROSPECTIVE JUROR: Yes. I got my
12 statement of charges with me.

13 THE COURT: So -- you're ready?

14 PROSPECTIVE JUROR: Oh, yes.

15 THE COURT: Okay. Please step back to the
16 star.

17 **(Discussion on the record at the bench.)**

18 MR. GILMAN: No objections, Your Honor.

19 MR. PADILLA: No objections, Your Honor.

20 **(Excused at 10:11 a.m.)**

21 **VICTOR DIAS, JR.,**

22 having been called as a prospective juror and, upon
23 his oath, was examined and testified as follows:

24 **VOIR DIRE EXAMINATION**

25 **BY THE COURT:**

1 THE COURT: Victor Dias, Jr. I'm sorry
2 this is Juror Number 292454. You had surgery. Where did
3 you have surgery?

4 PROSPECTIVE JUROR: On my testicles.

5 THE COURT: And how long is that going to
6 last, the pain and all of that? When did you have
7 surgery?

8 PROSPECTIVE JUROR: It's so I can have
9 kids.

10 THE COURT: When was that done? You had a
11 vasectomy?

12 PROSPECTIVE JUROR: No. I did not have a
13 vasectomy. It's so I can "have" kids.

14 THE COURT: So you can "have" kids?

15 PROSPECTIVE JUROR: I had excess veins.

16 THE COURT: Okay. When did that surgery
17 happen, sir?

18 PROSPECTIVE JUROR: Around ten days.

19 THE COURT: Aren't you feeling better now?

20 PROSPECTIVE JUROR: Yeah. But it still
21 hurts. I don't like to be sitting down, and they're still
22 swollen.

23 MR. PADILLA: How long is the pain going to
24 be there? Did the doctor tell you when it would go away?

25 PROSPECTIVE JUROR: Around ten days.

1 MR. PADILLA: Around ten days?

2 PROSPECTIVE JUROR: Still have pain. I
3 take medicine.

4 MR. PADILLA: You think if you come back to
5 serve in about two weeks, do you think you could be able
6 to serve. Maybe the paper will be gone?

7 PROSPECTIVE JUROR: Well, yeah. But I
8 don't know about the swelling. The swelling is going to
9 take a long time --

10 MR. PADILLA: But by the time, in two
11 weeks, the pain should go away. Maybe some swelling, but
12 the pain would be gone by that time.

13 PROSPECTIVE JUROR: But the pain would --
14 yeah but I got to ice it down.

15 MR. PADILLA: How often do you have to do
16 that?

17 THE COURT: Basically the way it is going
18 to be, Mr. Dias, is, today, you come back at 10:30. Then
19 you're going to leave shortly thereafter, and come back at
20 1:30 and it's probably going to be another hour or so.
21 And then you're going to leave probably for a week or two.
22 And then you're going to come for an appointment. You're
23 going to be here for 45 minutes to an hour, hour and a
24 half max, and then you'll come back. So you're going to
25 serve about two weeks from now. You should be better by

1 then, shouldn't you, Mr. Dias?

2 PROSPECTIVE JUROR: Well, I should. From
3 the pain, but the swelling --

4 THE COURT: I'm going to deny it at this
5 time and ask you to come back at 10:30.

6 PROSPECTIVE JUROR: Okay.

7 THE COURT: Thank you.

8 **(Excused at 10:11 a.m.)**

9 THE COURT: Benjamin Barrera?
10 (Court calls out next prospective juror in
11 line)

12 THE COURT: Student. Summer class. Juror
13 Number 821884. Are you enrolled in summer classes, sir?

14 PROSPECTIVE JUROR: Yes, sir.

15 THE COURT: How many class are you taking?

16 PROSPECTIVE JUROR: Five.

17 THE COURT: So you're a full-time student?

18 PROSPECTIVE JUROR: Yes, sir.

19 THE COURT: And you're claiming the
20 exemption?

21 PROSPECTIVE JUROR: Yes, sir.

22 THE COURT: You may be excused. Thank you
23 very much.

24 (Court calls out next prospective juror
25 in line)

(Witness was excused at 10:12 a.m.)

JENNIFER LYNN MCNABB,

having been called as a prospective juror and, upon
her oath, was examined and testified as follows:

VOIR DIRE EXAMINATION

BY THE COURT:

THE COURT: This is Juror Number 302581,
Ms. Jennifer Lynn McNabb. You have a medical appointment
at M. D. Anderson?

PROSPECTIVE JUROR: Yes. And I have two
children getting out of school on Friday. I'm a teacher.

THE COURT: The two children may not get
you, but the M. D. Anderson -- that's for you?

PROSPECTIVE JUROR: Yes.

THE COURT: Good luck, and God bless.

PROSPECTIVE JUROR: Thank you.

THE COURT: I'm excusing Juror Number
302581.

(Excused at 10:12 a.m.)

THE COURT: Antonio Rodriguez? Juror
Number 727139. (Court calls out next prospective juror in
line) Hello. Mr. Rodriguez. How long ago were you
convicted, sir?

PROSPECTIVE JUROR: It was in the '80s.

THE COURT: In the '80s? It was a felony?

1 PROSPECTIVE JUROR: It was a felony and I
2 had a misdemeanor.

3 THE COURT: You're excused, sir. Thank you
4 very much.

5 (Court calls out next prospective juror in
6 line)

7 (Excused at 10:13 a.m.)

8 DONALD ROSS WILES,
9 having been called as a prospective juror and, upon
10 his oath, was examined and testified as follows:

11 VOIR DIRE EXAMINATION

12 BY THE COURT:

13 THE COURT: Donald Ross Wiles? Hi,
14 Mr. Wiles.

15 PROSPECTIVE JUROR: Yes.

16 THE COURT: Just because you're working out
17 of town, is not a valid excuse, sir.

18 PROSPECTIVE JUROR: Okay.

19 THE COURT: It may be inconvenient. And I
20 am very sorry for that. But everybody has got to serve,
21 sir.

22 PROSPECTIVE JUROR: Uh-huh. Okay.

23 THE COURT: I'm going to deny your request.
24 I'm going to ask you to please come back at 10:30.

25 PROSPECTIVE JUROR: Okay.

1 THE COURT: Thank you. Mr. Wiles. You
2 need your badge. I'm sorry. She's going to give it to
3 you.

4 (Excused at 10:13 a.m.)

5 REMO ZEL SACCANI,
6 having been called as a prospective juror and, upon
7 his oath, was examined and testified as follows:

8 VOIR DIRE EXAMINATION

9 BY THE COURT:

10 THE COURT: Mr. Saccani, 276309. You're a
11 full-time student, sir?

12 PROSPECTIVE JUROR: Correct.

13 THE COURT: Are you a student? Excuse me.

14 (Court calls out next prospective juror in line) Are
15 you a student during the summer?

16 PROSPECTIVE JUROR: Yes, also.

17 THE COURT: Do you have your registration,
18 sir.

19 PROSPECTIVE JUROR: I go to Centro
20 Universitario Del Noreste. I have my badge, and I have my
21 Texas Bar Letter of confirmation. I'm doing two things at
22 once.

23 THE COURT: That's medical school?

24 PROSPECTIVE JUROR: No. This is law school
25 in Matamoros. I'm a Florida lawyer who also aspires to be

1 a Texas law. So I am taking the Texas Bar Exam in July.

2 THE COURT: And you're a full-time school
3 in Matamoros?

4 PROSPECTIVE JUROR: Right. And the summer
5 what we have are investigations.

6 THE COURT: Investigations?

7 PROSPECTIVE JUROR: Investigations, with a
8 professor (Speaks in Spanish).

9 THE COURT: Are you enrolled as a full-time
10 student?

11 PROSPECTIVE JUROR: The summer involves --

12 THE COURT: My question was very specific
13 Mr. Sacaani: Are you enrolled as a full-time student?

14 PROSPECTIVE JUROR: I don't believe there
15 is anything as full-time enrollment because the classes
16 aren't offered on a full-time basis, but I'm working on
17 one with the professor. In addition, I am also studying
18 and working for the Texas Bar.

19 THE COURT: Take your papers. Step back to
20 the star, and I'll be with you in just a minute,
21 Mr. Saccani.

22 **(Discussion on the record at the bench.)**

23 THE COURT: He doesn't fall in the
24 technical requirements.

25 MR. GILMAN: He is so preoccupied with all

1 that other stuff. He's trying to get the bar exam.

2 MR. PADILLA: I'd keep him on. I am
3 opposed to him being released as a potential juror in this
4 case.

5 (End of bench conference.)

6 THE COURT: Mr. Saccani? Step forward,
7 sir. I'm going to go ahead and grant your excuse. I'm
8 going to go ahead -- give you your excuse for the day.
9 Mr. Padilla you may make your record.

10 MR. PADILLA: I have made my record. Thank
11 you.

12 THE COURT: Thank you.

13 PROSPECTIVE JUROR: Okay.

14 (excused at 10:15 a.m.)

15 BRENDA SILVA DE LA ROSA,
16 having been called as a prospective juror and, upon
17 her oath, was examined and testified as follows:

18 VOIR DIRE EXAMINATION

19 BY THE COURT:

20 THE COURT: Brenda Silva De La Rosa. This
21 is Juror Number 206638. Hello, Mrs. De La Rosa. You are
22 leaving out of town for training. You will be out of town
23 for a month? Where do you work at, ma'am?

24 (Court calls out next prospective juror in line)

25 PROSPECTIVE JUROR: I work for the post

1 office.

2 THE COURT: For the post office?

3 PROSPECTIVE JUROR: It's actually a program
4 that I applied for, that I was accepted into. It's a 16
5 week program. That once I graduate it will promote me to
6 be a supervisor.

7 THE COURT: Is that part of the Pisces
8 Program.

9 PROSPECTIVE JUROR: Well, no. It's
10 people -- I'm an associate supervisor for them.

11 THE COURT: Would you step back to the
12 star?

13 **(Discussion on the record at the bench.)**

14 THE COURT: Gentlemen, these opportunities
15 come within the post office very rarely --

16 MR. PADILLA: Yes.

17 MR. GILMAN: Yes.

18 MR. PADILLA: State is unopposed.

19 MR. GILMAN: We are unopposed.

20 **(End of bench conference.)**

21 THE COURT: Step forward. We're going to
22 ahead and excuse you.

23 MR. GILMAN: Make sure that we get our
24 mail.

25 MR. PADILLA: Make sure to get our mail.

1 My wife needs her mail at the right time. Okay?

2 THE COURT: You are excused. Thank you
3 very much.

4 (Excused at 10:16 a.m.)

5 NORMA JIMENEZ,
6 having been called as a prospective juror and, upon
7 her oath, was examined and testified as follows:

8 VOIR DIRE EXAMINATION

9 BY THE COURT:

10 THE COURT: Norma Jimenez.

11 DEPUTY CLERK: Did you excuse this one?

12 THE COURT: Yes. This is Juror Number
13 167855. Just started work a week ago. Where do you work?
14 Excuse me. I don't mean to be rude. (Court calls out
15 next prospective juror in line)

16 PROSPECTIVE JUROR: I actually have two
17 months working. But I went out of town last week because
18 I got married on the 17th. I just started working again
19 on May 27.

20 THE COURT: Where are you working?

21 PROSPECTIVE JUROR: Language Line Services.
22 I'm an interpreter, English and Spanish, and I interpret
23 for different companies. And also -- right now that I
24 know that it's a murder case, I don't think I could do it.

25 THE COURT: Why?

1 PROSPECTIVE JUROR: I don't know. I would
2 think my emotions -- nobody has the right to take somebody
3 else's life. I just -- I don't know.

4 THE COURT: Just because you started work,
5 that's not a good enough reason.

6 PROSPECTIVE JUROR: Okay.

7 THE COURT: Step back to the star. I will
8 be with you in just a minute.

9 **(Discussion on the record at the bench.)**

10 THE COURT: Gentlemen?

11 MR. PADILLA: I think we should leave her
12 on, and find out at the end if she gets on the individual
13 voir dire, we can address that more about her belief.

14 THE COURT: Mr. Gilman?

15 MR. PADILLA: We agree.

16 THE COURT: Mrs. Jimenez? I am going to
17 ask you to come back at 10:30. We're going to deny your
18 request at this time. We will sit you down for individual
19 voir dire and then we'll deal with it then.

20 PROSPECTIVE JUROR: Okay.

21 THE COURT: So just stick around until
22 10:30.

23 **(Excused at 10:18 a.m.)**

24 **ELVIA ATKINSON,**
25 **having been called as a prospective juror and, upon**

1 her oath, was examined and testified as follows:

2 VOIR DIRE EXAMINATION

3 BY THE COURT:

4 THE COURT: Elvia Atkinson? Hi,
5 Ms. Atkinson. Court calls out next prospective juror in
6 line)

7 This is Juror Number 870849. You have high
8 blood pressure, and diabetic. You go to the restroom a
9 lot.

10 PROSPECTIVE JUROR: Yeah. And if I sit or
11 stand a lot, my legs get numb.

12 THE COURT: Legs get numb? How long has
13 that happened?

14 PROSPECTIVE JUROR: Ever since -- ever
15 since I've been a diabetic.

16 THE COURT: Do you work, ma'am?

17 PROSPECTIVE JUROR: No, sir.

18 THE COURT: Okay.

19 MR. PADILLA: May I ask her something? Do
20 you get Social Security for diabetes?

21 PROSPECTIVE JUROR: No.

22 MR. PADILLA: Ever get light headed?

23 PROSPECTIVE JUROR: Yes, I do. Plus I have
24 allergies.

25 MR. PADILLA: But because you're diabetic,

1 you get light headed. Sometimes you have whirl spins,
2 things of that nature, or not?

3 PROSPECTIVE JUROR: I don't know. In
4 December of last year --

5 MR. PADILLA: Uh-huh.

6 PROSPECTIVE JUROR: -- I went back -- my
7 husband said I went back like in slow motion --

8 MR. PADILLA: Uh-huh.

9 PROSPECTIVE JUROR: But I didn't lose
10 consciousness. I just got up right away.

11 MR. PADILLA: You take medication every
12 day?

13 PROSPECTIVE JUROR: Yes.

14 MR. PADILLA: Can you step back?

15 THE COURT: No, no. Please step back.

16 **(Discussion on the record at the bench.)**

17 THE COURT: Any objections?

18 MR. GILMAN: Yeah, I object.

19 MS. DE FORD: Everybody is saying
20 diabetics. I can tell you as a nurse --

21 THE COURT: I can't hear you, Mrs. De Ford.

22 MS. DE FORD: -- everybody is trying to get
23 off of it because they have diabetes. As a nurse I can
24 tell you that people who are diabetics they take
25 medications. As long as they have breaks to eat little

1 snacks, they'll be fine.

2 THE COURT: I've been around a lot of
3 diabetics --

4 MRS. DE FORD: Everybody is going to want
5 to use that as an excuse.

6 THE COURT: I understand. But she also has
7 high blood pressure. Gentlemen, is there any objection to
8 Mrs. Atkinson --

9 MR. GILMAN: No. There is no objection
10 from the defense. Keep her on.

11 THE COURT: No objections to keeping her
12 on?

13 MR. GILMAN: I want to keep her on.

14 MR. PADILLA: Fine, Judge. We will address
15 the diabetic issue during voir dire when she gets on the
16 panel.

17 **(Excused at 10:19 a.m.)**

18 THE COURT: Mrs. Atkinson? Step forward.
19 We're going to rely on your medication to keep you in
20 line. We are going to ask you to please serve. We will
21 ask you to come back at 10:30, and we'll deal with these
22 issues a little bit later.

23 PROSPECTIVE JUROR: Okay.

24 THE COURT: Don't go away. Stay away until
25 10:30. You are not excused, okay?

1 PROSPECTIVE JUROR: Okay. So can I go
2 outside?

3 THE COURT: You can go outside and come
4 back at 10:30.

5 MR. CORDOVA: She needs her badge.

6 (Excused at 10:20 a.m.)

7 NORMA GONZALES,
8 having been called as a prospective juror and, upon
9 her oath, was examined and testified as follows:

10 VOIR DIRE EXAMINATION

11 BY THE COURT:

12 THE COURT: Norma Gonzales. (Court calls
13 out next prospective juror in line)

14 Junior high school. Counselor registered
15 for summer school right now.

16 PROSPECTIVE JUROR: Sir, I am in charge of
17 seventh grade -- about 300 students.

18 MR. PADILLA: The other thing is, Judge,
19 she's David Gonzalez's mother.

20 THE COURT: You are David Gonzalez's
21 mother?

22 PROSPECTIVE JUROR: That one right there.

23 MS. DE FORD: She can be fair and
24 impartial.

25 THE COURT: You object to this one?

1 MR. GILMAN: Yes.

2 THE COURT: I want you to know only because
3 they know you. Otherwise, I would let you serve. You
4 raised a good son.

5 PROSPECTIVE JUROR: Thank you, and I'm
6 proud of him.

7 THE COURT: Take care. That was Juror
8 211622.

9 (Excused at 10:21 a.m.)

10 SANTIAGO ROBLES,
11 having been called as a prospective juror and, upon
12 his oath, was examined and testified as follows:

13 VOIR DIRE EXAMINATION

14 BY THE COURT:

15 THE COURT: Santiago Robles. This is Juror
16 Number 164013.

17 (Court calls out next prospective juror in
18 line)

19 THE COURT: You may be a possible witness
20 in a case regarding hot checks. That has nothing to do
21 with this case.

22 PROSPECTIVE JUROR: I am willing to serve.
23 I just thought I better report it.

24 THE COURT: And I appreciate you reporting
25 it. It's important to do that, but it's not a reason not

1 to serve.

2 PROSPECTIVE JUROR: No. I want to serve.

3 THE COURT: Okay.

4 MR. PADILLA: Thank you.

5 THE COURT: You are going to need your
6 badge.

7 (Excused at 10:21 a.m.)

8 MARIA ELENA PEREZ,

9 having been called as a prospective juror and, upon
10 her oath, was examined and testified as follows:

11 VOIR DIRE EXAMINATION

12 BY THE COURT:

13 THE COURT: Maria Elena Perez? Has an 11
14 month old child. Baby has fever. Day care will not
15 accept her.

16 MR. GILMAN: No objections.

17 THE COURT: You are excused. Thank you
18 very much.

19 \ (Court calls out next prospective juror in line)

20 (Excused at 10:21 a.m.)

21 MARIA VIDAL PEREZ,

22 having been called as a prospective juror and, upon
23 her oath, was examined and testified as follows:

24 VOIR DIRE EXAMINATION

25 BY THE COURT:

1 THE COURT: Juror 259324, Maria Vidal
2 Perez. Her excused was granted. No objections.

3 (Excused at 10:22 a.m.)

4 SANDRA V. GONZALEZ,
5 having been called as a prospective juror and, upon
6 her oath, was examined and testified as follows:

7 VOIR DIRE EXAMINATION

8 BY THE COURT:

9 THE COURT: This is Sandra V. Gonzalez,
10 816756. Hi, Mrs. Gonzalez. Four children under ten years
11 old.

12 PROSPECTIVE JUROR: I'm sorry?

13 THE COURT: Four children.

14 PROSPECTIVE JUROR: Well, I have a 15 and a
15 14, a nine year old and a six year old.

16 THE COURT: Who takes care of them?

17 PROSPECTIVE JUROR: I do. I'm a
18 stay-at-home mom.

19 THE COURT: You're not working at all?

20 PROSPECTIVE JUROR: No, sir. That's the
21 reason why I don't work.

22 THE COURT: Because we're going to go ahead
23 and grant your exemption.

24 PROSPECTIVE JUROR: Thank you. I
25 appreciate that very much.

(Excused at 10:22 a.m.)

MARIA LIZETTE MORENO,

having been called as a prospective juror and, upon
her oath, was examined and testified as follows:

VOIR DIRE EXAMINATION

BY THE COURT:

THE COURT: Maria Lizette Moreno?

On Sandra B. Gonzalez, 816756, that
exemption was granted.

Mrs. Moreno, you're full-time student?

PROSPECTIVE JUROR: Yes.

MR. GILMAN: She used to work here.

MR. PADILLA: She was in the district
clerk's office.

THE COURT: Are you a college student?

PROSPECTIVE JUROR: Yes.

THE COURT: Where are you going to school?

PROSPECTIVE JUROR: UTB.

THE COURT: Are you in school now?

PROSPECTIVE JUROR: I started.

THE COURT: What are you studying?

PROSPECTIVE JUROR: Accounting.

THE COURT: You are a full-time student?

PROSPECTIVE JUROR: Yes.

THE COURT: Your excuse is granted. Good

1 luck.

2 (Excused at 10:23 a.m.)

3 JUAN CANTU,

4 having been called as a prospective juror and, upon
5 his oath, was examined and testified as follows:

6 VOIR DIRE EXAMINATION

7 BY THE COURT:

8 THE COURT: This is Juan Cantu, Juror
9 Number 82684. This is your last day of school?

10 PROSPECTIVE JUROR: Yes. It's going to end
11 by tomorrow.

12 THE COURT: (laughs)

13 PROSPECTIVE JUROR: I just wanted to end
14 the year with my kids.

15 MR. PADILLA: We'll see you in June.

16 THE COURT: You're going to need your
17 badge, Mr. Cantu.

18 (Excused at 10:23 a.m.)

19 ERICA HERNANDEZ GARCIA,

20 having been called as a prospective juror and, upon
21 her oath, was examined and testified as follows:

22 VOIR DIRE EXAMINATION

23 BY THE COURT:

24 THE COURT: Erica Hernandez Garcia?

25 (Court calls out next prospective juror in

1 line)

2 You are training for T-Mobile. If you miss
3 class, you need to start work all over again.

4 PROSPECTIVE JUROR: Yeah. But they don't
5 have a set date yet, and it's two to three months, and we
6 have two kids. And I can't be without work, for two to
7 three months.

8 THE COURT: So, if you don't do this, you
9 don't get work?

10 PROSPECTIVE JUROR: No. The thing is, I'm
11 on training right now --

12 THE COURT: Yes, ma'am.

13 PROSPECTIVE JUROR: -- if I miss more than
14 two days, I have to reschedule for a new class. They
15 don't have any English classes available right now.

16 THE COURT: Okay step back to the star,
17 ma'am.

18 **(Discussion on the record at the bench.)**

19 MR. GILMAN: She's a single mom. I'm going
20 to let her go.

21 MR. PADILLA: I have no opposition. I just
22 wish T-Mobile -- hopefully, my service will be better.

23 THE COURT: I think she's going to be
24 preoccupied.

25 MR. GILMAN: No objections.

1 **(End of bench conference.)**

2 THE COURT: Under the circumstances, we are
3 not an excuse -- but for these circumstances we're going
4 to let you go. Good luck. God Bless.

5 **(Excused at 10:24 a.m.)**

6 THE COURT: Charles David Burns. This is
7 Juror Number 155182. (Court calls out next prospective
8 juror in line)

9 PROSPECTIVE JUROR: Good morning,
10 gentlemen.

11 THE COURT: How are you?

12 PROSPECTIVE JUROR: I'm doing good.

13 THE COURT: Retiring Friday from Channel
14 Five. Having party for you, and training a replacement.

15 PROSPECTIVE JUROR: That would be it.

16 THE COURT: Well, you're going to get a
17 chance to go to the party on Friday --

18 PROSPECTIVE JUROR: Okay.

19 THE COURT: -- Mr. Burns, unless you got
20 another reason I'm going to deny your request and I'm
21 going to ask that you stick around. It will be today, and
22 then you'll get an appointment later and it'll be some
23 time after Friday.

24 PROSPECTIVE JUROR: Okay -- that'll work.

25 THE COURT: You're going to need your

1 badge, so hold on.

2 (Excused at 10:25 a.m.)

3 HECTOR JOSE RIVERA,

4 having been called as a prospective juror and, upon

5 his oath, was examined and testified as follows:

6 VOIR DIRE EXAMINATION

7 BY THE COURT:

8 THE COURT: This is Hector Jose Rivera,
9 Juror Number 125896. Mr. Rivera has been here today, and
10 has requested other excuses. (Court calls out next
11 prospective juror in line) Weren't you at --

12 PROSPECTIVE JUROR: Boater's World?

13 THE COURT: Boater's World. Okay, Mr.
14 Rivera. You will be out of town getting certification for
15 eye doctor. When?

16 PROSPECTIVE JUROR: No, my wife. I'm going
17 to get the course for the optician.

18 THE COURT: She's going to take it, or you?

19 PROSPECTIVE JUROR: No. She's going to be
20 the doctor. I am the one that will be getting the
21 optician specialist course in Houston.

22 THE COURT: When?

23 PROSPECTIVE JUROR: We're leaving at
24 3:00 o'clock in the afternoon.

25 THE COURT: He says that they are leaving

1 at 3:00 this afternoon to start taking classes as an
2 optician.

3 Step back.

4 (Discussion on the record at the bench.)

5 MR. PADILLA: The State is not opposed.
6 He's going to be preoccupied.

7 MR. GILMAN: No objections.

8 THE COURT: Mr. Rivera? Step forward, sir.
9 Couldn't figure out where you were from, Mr. Rivera.

10 MR. PADILLA: I see him at Boater's World,
11 too, because I'm in there all of the time buying stuff.

12 THE COURT: You're going to be excused.
13 Good luck. As long as you are going to be a full-time
14 student.

15 (Excused at 10:26 a.m.)

16 ALBERTO REYES, JR.,,

17 having been called as a prospective juror and, upon
18 his oath, was examined and testified as follows:

19 VOIR DIRE EXAMINATION

20 BY THE COURT:

21 THE COURT: Alberto Reyes, Jr.? This is
22 Juror Number 833626. (Court calls out next prospective
23 juror in line) Police security at San Benito ISD. Has
24 seen several gang fights. Total officers, nine. Need to
25 be there for end of school.

1 PROSPECTIVE JUROR: And we get out
2 tomorrow.

3 THE COURT: Well, you'll be there tomorrow.

4 PROSPECTIVE JUROR: Oh, I should be there
5 tomorrow?

6 THE COURT: You'll be there tomorrow.
7 You'll have to be here today, and then you'll get an
8 appointment to come later on.

9 MR. PADILLA: In June. Sometime in June.

10 MR. GILMAN: I don't have any objections to
11 him being excused.

12 MR. PADILLA: Step back.

13 THE COURT: Are you the only one taking
14 care of the kids?

15 PROSPECTIVE JUROR: We have some other
16 guys --

17 THE COURT: Step back, sir.

18 **(Discussion on the record at the bench.)**

19 MR. PADILLA: Judge, I know he's working
20 till the end of the year -- dealing with fights, paint
21 balls, et cetera. That's why they're going to be there on
22 Friday.

23 THE COURT: You feel he'll be preoccupied?

24 MR. PADILLA: But that's only for Friday.
25 I feel he'll be an excellent juror. We won't object to

1 him being released.

2 MR. GILMAN: He wants to make me use my
3 strike. I don't want a police officer on the --

4 MR. PADILLA: Judge, he is only preoccupied
5 tomorrow, and then he can serve after that.

6 MR. GILMAN: He has to stop the criminals
7 in San Benito.

8 **(End of bench conference.)**

9 THE COURT: Mr. Reyes, step forward, sir.

10 MR. GILMAN: Is it just Friday that you're
11 worried about?

12 PROSPECTIVE JUROR: As far as Friday? No.
13 Actually, all week school is letting out and then we have
14 to --

15 THE COURT: Can you serve today and then
16 later on?

17 PROSPECTIVE JUROR: Yes.

18 THE COURT: You can serve today and then
19 later on?

20 PROSPECTIVE JUROR: Yeah.

21 THE COURT: I'm going to deny your request,
22 and I'm going to ask you to come back. We're getting
23 awfully close to that.

24 **(Excused at 10:27 a.m.)**

25

1 NORMA J. ESQUIVEL,
2 having been called as a prospective juror and, upon
3 her oath, was examined and testified as follows:

4 VOIR DIRE EXAMINATION

5 BY THE COURT:

6 THE COURT: Norma Janet Esquivel? (Court
7 calls out next prospective juror in line) Norma Esquivel?

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: You're at school -- secretary
10 for Perez Elementary.

11 PROSPECTIVE JUROR: Yes, sir.

12 THE COURT: It'll be today, and then later
13 on.

14 PROSPECTIVE JUROR: Come back later on an
15 reschedule.

16 THE COURT: Can you serve today, and then
17 later?

18 PROSPECTIVE JUROR: I can't.

19 THE COURT: What do you mean you can't?

20 PROSPECTIVE JUROR: Well --

21 THE COURT: You're serving today.

22 PROSPECTIVE JUROR: Yes, sir, I am. I'm
23 excused today, from work. However, after listening to the
24 kind of case that you will be holding, I am a Jehovah's
25 witness.

1 THE COURT: You're a Jehovah's witness?

2 PROSPECTIVE JUROR: Yes, sir, I am. And
3 due to my --

4 THE COURT: What temple do you belong to?

5 PROSPECTIVE JUROR: Excuse me?

6 THE COURT: What temple do you belong to?

7 PROSPECTIVE JUROR: I go to the one on
8 Coffeepoint. It's on a duplex.

9 THE COURT: Why do you want to be excused?

10 PROSPECTIVE JUROR: It's my personal
11 belief.

12 THE COURT: Why?

13 PROSPECTIVE JUROR: You're talking about
14 the death penalty.

15 THE COURT: Yes, ma'am?

16 PROSPECTIVE JUROR: I wouldn't be able to
17 serve on that type of a jury.

18 THE COURT: Why? Why?

19 PROSPECTIVE JUROR: I can't make a decision
20 like that.

21 MR. PADILLA: Do your religious principles
22 prohibit you from judging other people?

23 PROSPECTIVE JUROR: Yes, sir.

24 MR. PADILLA: And how long have you been a
25 Jehovah's witness?

1 PROSPECTIVE JUROR: I've been -- since '85.

2 MR. PADILLA: Since '85?

3 PROSPECTIVE JUROR: Yes, sir.

4 MR. PADILLA: And you believe that because
5 of your religious upbringings, religious beliefs, and
6 religious principles, that you could not imposed the death
7 penalty in a case like that?

8 PROSPECTIVE JUROR: Yes. On something like
9 this, I wouldn't be able to.

10 THE COURT: You are excused, ma'am.

11 PROSPECTIVE JUROR: Thank you very much.

12 THE COURT: That was Norma Janet Esquivel.

13 (Court calls out next prospective juror in line.)

14 (Excused at 10:29 a.m.)

15 ELSA GRACIELA RODRIGUEZ,
16 having been called as a prospective juror and, upon
17 her oath, was examined and testified as follows:

18 VOIR DIRE EXAMINATION

19 BY THE COURT:

20 THE COURT: Elsa Graciela Rodriguez?

21 (Court calls out next prospective juror in line)

22 Medical problem?

23 PROSPECTIVE JUROR: Yes.

24 THE COURT: Dr. Miguel is your doctor.

25 What is your medical condition, ma'am?

1 PROSPECTIVE JUROR: Bad circulation,
2 diabetic, I have thyroid problem, open heart surgery, and
3 arthritis. I got it all.

4 THE COURT: Don't you take medication?

5 PROSPECTIVE JUROR: I take medications.

6 THE COURT: For your circulation?

7 PROSPECTIVE JUROR: For my circulation?

8 No. My feet get very numb, and my legs tingle a lot. I
9 guess from respiratory condition and for my open heart.

10 THE COURT: You had open heart surgery?

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: How long ago?

13 PROSPECTIVE JUROR: Fourteen years.

14 THE COURT: And what do you do for a
15 living?

16 PROSPECTIVE JUROR: I don't. I'm disabled.

17 THE COURT: You get Social Security
18 benefits?

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: Step back to the star, ma'am.

21 **(Discussion on the record at the bench.)**

22 MR. PADILLA: Judge, the State would have
23 no opposition based upon her medical condition.

24 MR. GILMAN: No objection.

25 THE COURT: Ms. Rodriguez? You may be

1 excused.

2 PROSPECTIVE JUROR: Thank you, Your Honor.

3 MR. GILMAN: No objection.

4 (Excused at 10:30 a.m.)

5 ALICIA GARZA AGUILAR,
6 having been called as a prospective juror and, upon
7 her oath, was examined and testified as follows:

8 VOIR DIRE EXAMINATION

9 BY THE COURT:

10 THE COURT: Mrs. Lopez? This is an
11 interesting one. I'm sorry, what is your name?

12 PROSPECTIVE JUROR: Aguilar.

13 THE COURT: Yeah. I had you over here.
14 People keep messing with my stuff. You work for the BISD
15 Police. You are in training today?

16 PROSPECTIVE JUROR: Yes, sir.

17 THE COURT: Not a good enough reason.

18 PROSPECTIVE JUROR: That's all right. I
19 needed to present but -- I came up with a plan. I wanted
20 to get in my five minutes in there.

21 THE COURT: I'm going to go ahead and deny
22 it. She's going to give you a badge.

23 PROSPECTIVE JUROR: Okay.

24 (Excused at 10:31 a.m.)

25

1 DEYANIRA NIDIA LOPEZ,
2 having been called as a prospective juror and, upon
3 her oath, was examined and testified as follows:

4 VOIR DIRE EXAMINATION

5 BY THE COURT:

6 THE COURT: Deyanira Nidia Lopez?
7 (Court calls out next prospective juror in
8 line).

9 PROSPECTIVE JUROR: I'm a student and I'm a
10 mother with four kids.

11 THE COURT: Nereida Lopez?

12 PROSPECTIVE JUROR: That's Deyanira.

13 THE COURT: Deyanira? Juror Number 142640.
14 You're a student at UTB.

15 PROSPECTIVE JUROR: Uh-huh.

16 THE COURT: Are you a full-time student?

17 PROSPECTIVE JUROR: Yes, sir.

18 THE COURT: You're excused; thank you.

19 MR. PADILLA: Good luck, ma'am.

20 (Excused at 10:32 a.m.)

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1 EVA RODRIGUEZ GUTIERREZ,
2 having been called as a prospective juror and, upon
3 her oath, was examined and testified as follows:

4 VOIR DIRE EXAMINATION

5 BY THE COURT:

6 THE COURT: Eva Rodriguez Gutierrez?

7 (Court calls out next prospective juror in
8 line)

9 She's the head clerk of Harlingen High
10 School. Needs to stay there until --

11 PROSPECTIVE JUROR: It's the end of the
12 year. I can come next week if you want.

13 THE COURT: We're going to have you serve
14 today, and then next week. Okay?

15 PROSPECTIVE JUROR: Okay.

16 MR. GILMAN: We need you today, and then
17 we' call you next week.

18 MR. PADILLA: Next week, or in two weeks.

19 THE COURT: Just a minute. You're going to
20 need your badge.

21 (Excused at 10:32 a.m.)
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1 **MARIA GUADALUPE BARRERA,**
2 **having been called as a prospective juror and, upon**
3 **her oath, was examined and testified as follows:**

4 **VOIR DIRE EXAMINATION**

5 **BY THE COURT:**

6 THE COURT: Maria Guadalupe Barrera. Juror
7 Number 914442. Where are you a student at?

8 PROSPECTIVE JUROR: At UTB.

9 THE COURT: What do you in the summer?

10 PROSPECTIVE JUROR: I go to school. I'm a
11 substitute teacher during regular school and I go to
12 school full-time at night. And in the summer I have
13 summer sessions.

14 THE COURT: Summer sessions? What do you
15 mean?

16 PROSPECTIVE JUROR: Summer sessions, one
17 and two, like at the university.

18 THE COURT: On a full-time basis?

19 PROSPECTIVE JUROR: I'm on a full-time
20 basis.

21 THE COURT: How many hours are you taking
22 at the university?

23 (Court calls out next prospective juror in
24 line.)

25 PROSPECTIVE JUROR: I'm a substitute

1 teacher.

2 THE COURT: How many classes are you taking
3 at the university?

4 PROSPECTIVE JUROR: For summer session,
5 just one class. You can only take, but one got canceled.
6 And during the summer session, two I take two classes.

7 THE COURT: Okay. Step back to the star.

8 PROSPECTIVE JUROR: Uh-huh.

9 **(Discussion on the record at the bench.)**

10 MR. PADILLA: The State has no opposition.

11 THE COURT: Full-time student.

12 MR. GILMAN: Yeah.

13 THE COURT: You may be excused. Thank you
14 very much.

15 **BLANCA GOMEZ,**
16 **having been called as a prospective juror and, upon**
17 **her oath, was examined and testified as follows:**

18 **VOIR DIRE EXAMINATION**

19 **BY THE COURT:**

20 THE COURT: Blanca Gomez? This is Juror
21 Number 127419.

22 (Court calls out next prospective juror in
23 line) Your husband is disabled and you have two daughters?

24 PROSPECTIVE JUROR: Yes.

25 THE COURT: How old are your daughters?

1 PROSPECTIVE JUROR: Ten and 12.

2 THE COURT: Nine and twelve? Who takes
3 care of them during the summer?

4 PROSPECTIVE JUROR: During the summer, my
5 husband is there, but I still work.

6 THE COURT: Your husband is there?

7 PROSPECTIVE JUROR: My husband is.

8 THE COURT: Can't he take care of them?

9 PROSPECTIVE JUROR: Well, if there's like
10 an emergency, he would have to call me at work.

11 THE COURT: Where do you work?

12 PROSPECTIVE JUROR: I work with the
13 district. I work with the school.

14 THE COURT: I didn't hear you.

15 PROSPECTIVE JUROR: I work at the school.

16 THE COURT: At the school?

17 PROSPECTIVE JUROR: At the school.

18 THE COURT: So your husband takes care of
19 the kids?

20 PROSPECTIVE JUROR: Uh-huh.

21 THE COURT: And you have to be on call.

22 PROSPECTIVE JUROR: Yes. Because we only
23 have one vehicle, and I have to take the vehicle to work.

24 THE COURT: Step back to the star, would
25 you please.

1 **(Discussion on the record at the bench.)**

2 THE COURT: Gentlemen?

3 MR. GILMAN: She can serve, Judge.

4 MR. PADILLA: I think she can serve, Judge.
5 It might be an inconvenience.

6 THE COURT: That was my sense. Thank you.

7 **(End of bench conference.)**

8 THE COURT: Mrs. Gomez? I'm going to deny
9 your request. Because, in an emergency, he can call here,
10 and we can stop everything.

11 PROSPECTIVE JUROR: I don't know. This is
12 my first time.

13 THE COURT: I understand. You're going to
14 need your badge. She'll give it to you. Just a minute.
15 Turn around.

16 **(Excused at 10:34 a.m.)**

17 **TOMAS MANUEL FLORES,**
18 **having been called as a prospective juror and, upon**
19 **his oath, was examined and testified as follows:**

20 **VOIR DIRE EXAMINATION**

21 **BY THE COURT:**

22 THE COURT: Step forward. Tomas Manuel
23 Flores. (Court calls out next prospective juror in line)
24 You're a store manager in McAllen. Assistant store
25 manager, quit yesterday?

1 PROSPECTIVE JUROR: Yeah. He quit
2 yesterday. So I'm the only one that opens and closes the
3 store.

4 THE COURT: Well, the real problem,
5 Mr. Flores, that's not a valid reason to be excused.

6 PROSPECTIVE JUROR: Well you see, I can
7 tell somebody to get there, but then I have to be there at
8 6:30 in the morning. I work in McAllen and come all the
9 way to Brownsville to do jury duty stuff.

10 THE COURT: This will be today?

11 PROSPECTIVE JUROR: This is for the next --
12 no. This is for the --

13 THE COURT: No, listen to me.

14 PROSPECTIVE JUROR: Oh.

15 THE COURT: This will be today.

16 PROSPECTIVE JUROR: Okay.

17 THE COURT: And then you'll be out,
18 relatively early in the afternoon --

19 PROSPECTIVE JUROR: Uh-huh.

20 THE COURT: -- and then you'll get an
21 appointment to come in the next two weeks to do voir dire,
22 and then the trial probably will not start for another two
23 weeks.

24 PROSPECTIVE JUROR: Well, I also had the
25 exception -- I was found guilty for a burglary of a

1 habitation.

2 THE COURT: How long ago was that?

3 PROSPECTIVE JUROR: About ten years ago --
4 about twelve years ago.

5 THE COURT: You may be excused.

6 (Excused at 10:35 a.m.)

7 JANET QUINTERA DE LA FUENTE,
8 having been called as a prospective juror and, upon
9 her oath, was examined and testified as follows:

10 VOIR DIRE EXAMINATION

11 BY THE COURT:

12 THE COURT: Janet Quintera De La Fuente?
13 (Court calls out next prospective juror in
14 line.)

15 This is Juror Number 240454. You're
16 pregnant, and you don't feel well?

17 PROSPECTIVE JUROR: Huh-huh.

18 THE COURT: How far along are you?

19 PROSPECTIVE JUROR: Right now, about six
20 weeks, because last week, I took a pregnancy test, and
21 they told me that I had five weeks and a half.

22 THE COURT: I didn't hear you, ma'am.

23 PROSPECTIVE JUROR: Last week -- on
24 Tuesday -- they told me that I'm pregnant that I had five
25 and a half weeks.

1 THE COURT: Uh-huh.

2 PROSPECTIVE JUROR: And now I am about six
3 weeks.

4 THE COURT: I mean, I had three kids and my
5 wife used to teach when she was pregnant and did
6 everything when she was pregnant.

7 PROSPECTIVE JUROR: Yeah, but they're all
8 different. This is my first pregnancy.

9 THE COURT: Mrs. De La Fuente? That's not
10 an automatic excuse. People are not sick when they are
11 pregnant.

12 PROSPECTIVE JUROR: Nausea, vomiting and
13 dizziness?

14 THE COURT: That's just early in the
15 morning. I have no sympathy. I got a daughter that has
16 kids. My wife had kids. I've been around it. I'm sorry.

17 MR. PADILLA: May I ask her something? Is
18 this your first pregnancy?

19 PROSPECTIVE JUROR: Yes.

20 MR. PADILLA: Did the doctor say you were
21 going to have complications? Did he perceive that you
22 were going to have complications?

23 PROSPECTIVE JUROR: I haven't gone to the
24 doctor. Next Wednesday I'm going to have my first
25 appointment.

1 THE COURT: I'm going to deny your request.
2 She'll give you your badge.

3 (Excused at 10:36 a.m.)

4 LARRY PAUL NEBLETT,
5 having been called as a prospective juror and, upon
6 his oath, was examined and testified as follows:

7 VOIR DIRE EXAMINATION

8 BY THE COURT:

9 THE COURT: (Court calls out next
10 prospective juror in line)

11 Step forward, Mr. Neblett. Juror Number
12 703584. You'll be traveling. Starting over there working
13 June 2 to June 6?

14 PROSPECTIVE JUROR: Yes, sir.

15 THE COURT: What kind of work, sir?

16 PROSPECTIVE JUROR: I worked for Motorola.
17 I run global repairs for one of their divisions.

18 THE COURT: The only problem is, that's not
19 a good excuse.

20 PROSPECTIVE JUROR: I understand. That's
21 fine. I'll serve. that's what i got to do.

22 THE COURT: The price we pay for a free
23 society. She'll give you your badge.

24 (Excused at 10:37 a.m.)
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ROSALINDA GARCIA,

having been called as a prospective juror and, upon
her oath, was examined and testified as follows:

VOIR DIRE EXAMINATION

BY THE COURT:

THE COURT: Rosalinda Garcia? Juror Number
you are care taker of your ill brother?

PROSPECTIVE JUROR: Yes, sir.

THE COURT: Is there anybody else around
who can take care of him?

PROSPECTIVE JUROR: No, sir.

THE COURT: How old is he?

PROSPECTIVE JUROR: Fifty-seven.

THE COURT: And what is wrong with him?

PROSPECTIVE JUROR: Cirrhosis of the liver.

MR. PADILLA: Cirrhosis of the liver.

THE COURT: Cirrhosis of the liver?

PROSPECTIVE JUROR: So he has to get the
paper work today, to get listed for a liver.

THE COURT: For -- for a liver transplant.

PROSPECTIVE JUROR: Yes.

THE COURT: Okay. Step back, please.

(Discussion on the record at the bench.)

THE COURT: This is Juror Number 806052.

MR. PADILLA: The State is unopposed. We

1 are not opposed to her being released. She is concerned
2 about her brother. Plus she's the compassionate type.

3 MR. GILMAN: He's making me use my excuse.

4 **(End of bench conference.)**

5 THE COURT: Step forward. You are excused.

6 PROSPECTIVE JUROR: Thank you very much.

7 MR. PADILLA: Good luck, ma'am.

8 **(Excused at 10:38 a.m.)**

9 **ELVA ALVARADO,**

10 **having been called as a prospective juror and, upon**
11 **her oath, was examined and testified as follows:**

12 **VOIR DIRE EXAMINATION**

13 **BY THE COURT:**

14 THE COURT: (Court calls out next
15 prospective juror in line) Elva Alvarado. Juror 708175.

16 Hi, Mrs. Alvarado. Having a hard time with
17 your child?

18 PROSPECTIVE JUROR: Not really.

19 THE COURT: "Husband waiting to be deployed
20 for work in oil field. Just finished school. And we
21 moved with the three boys, two, eleven and, seven years
22 old for the summer." Anybody else going to be taking care
23 of your children, Mrs. Alvarado?

24 PROSPECTIVE JUROR: No, not at the moment.
25 Right now I'm going to be taking care of them until they

1 decide. Supposedly, the work is going to be two to three
2 months down, but we don't know.

3 MR. GILMAN: We don't have any objections.

4 THE COURT: You are excused, Ms. Alvarado.

5

6 (Excused at 10:39 a.m.)

7

8 REBECCA REYES,
9 having been called as a prospective juror and, upon
her oath, was examined and testified as follows:

10 VOIR DIRE EXAMINATION

11 BY THE COURT:

12 THE COURT: Rebecca Reyes?

13 PROSPECTIVE JUROR: I am Rebecca Reyes.

14 THE COURT: Hi, Ms. Reyes. You're Juror
15 Number 177328. You have high blood pressure, arthritis,
16 pain, inflammation and you take six medications including
17 Lasix.

18 PROSPECTIVE JUROR: Yes. And the pain
19 medicine makes me very drowsy.

20 THE COURT: It makes you very drowsy?

21 PROSPECTIVE JUROR: And the Lasix, well
22 it's a diuretic pill. I can't get away from the restroom.

23 THE COURT: All right. Step back please

24 (Discussion on the record at the bench.)

25 MR. PADILLA: The State is not opposed,

1 Your Honor.

2 THE COURT: High blood pressure, has
3 inflammation, Lasix makes her pee a lot.

4 MR. GILMAN: I'm sorry. She can serve.

5 THE COURT: Huh?

6 MR. GILMAN: She can serve.

7 **(End of bench conference.)**

8 THE COURT: Mrs. Reyes? Step forward.

9 PROSPECTIVE JUROR: Yes, Your Honor.

10 THE COURT: Mrs. Reyes? I see that you are
11 walking with a cane. Do you need to use the cane because
12 of the pain?

13 PROSPECTIVE JUROR: Yes.

14 THE COURT: And I see that you have your
15 bag of medication in your left hand. Is that the
16 medication you take?

17 PROSPECTIVE JUROR: Yes, the medication --

18 THE COURT: I'm going to go ahead and grant
19 your excuse. Juror Number 177328 is excused.

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CYNTHIA CRUZ,
having been called as a prospective juror and, upon
her oath, was examined and testified as follows:

VOIR DIRE EXAMINATION

BY THE COURT:

THE COURT: Cynthia Cruz, Juror Number
237198.

(Court calls out next prospective juror in
line)

You were in a car accident, and you are
under therapy three times a week?

PROSPECTIVE JUROR: Yes, sir.

THE COURT: How badly were you hurt?

PROSPECTIVE JUROR: Well, actually, it hits
my knee. I have water in my knee.

THE COURT: You have water in your knee?

PROSPECTIVE JUROR: They don't know if
they're going to do an MRI.

THE COURT: In this situation you're going
to serve today, and then you don't have to come back until
the next two weeks. Okay?

So I'm going to deny your request and I'm
going to ask you to stick around. She's going to need to
give you your badge.

(Excused at 10:41 a.m.)

1 AIDA PERLA GAMEZ,
2 having been called as a prospective juror and, upon
3 her oath, was examined and testified as follows:

4 VOIR DIRE EXAMINATION

5 BY THE COURT:

6 THE COURT: Anna Perla Gamez?

7 (Court calls out next prospective juror in
8 line)

9 Hi. You work at Lopez Regional Elementary
10 School in the office, and tomorrow is the last day of
11 classes. You will be able to get there tomorrow.

12 PROSPECTIVE JUROR: Okay. Thank you.

13 THE COURT: But today, we need you to work
14 and you'll have to come back later on. Okay?

15 PROSPECTIVE JUROR: Thank you very much.

16 THE COURT: You're going to need your
17 badge.

18 (Excused at 10:41 a.m.)

19 JESSICA MARIE ZAMORA,
20 having been called as a prospective juror and, upon
21 her oath, was examined and testified as follows:

22 VOIR DIRE EXAMINATION

23 BY THE COURT:

24 THE COURT: Jessica Marie Zamora.

25 (Court calls out next prospective juror in

1 line) Jacob Marie Zamora. You're Juror 267571. Student.
2 Finals this week. Attending South Texas -- Vo-Tech?

3 PROSPECTIVE JUROR: Yes.

4 THE COURT: So, what are you going to do
5 this summer?

6 PROSPECTIVE JUROR: I'm still going to be
7 in school until March of '09.

8 THE COURT: Of '09? Are you a full-time
9 student, ma'am?

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: And you're there at Vo-Tech?
12 What are you studying?

13 PROSPECTIVE JUROR: Dental assistant.

14 THE COURT: Okay. Step back to the star,
15 please.

16 **(Discussion on the record at the bench.)**

17 THE COURT: She's a full-time student.

18 MR. GILMAN: No objections.

19 MR. PADILLA: She qualifies for the
20 exemption.

21 **(End of bench conference.)**

22 THE COURT: Mrs. Zamora, please step
23 forward. You are excused. Thank you very much.

24 **(excused at 10:42 a.m.)**
25

1 REYNALDO CANTU,
2 having been called as a prospective juror and, upon
3 his oath, was examined and testified as follows:

4 VOIR DIRE EXAMINATION

5 BY THE COURT:

6 THE COURT: Reynaldo Cantu? (Court calls
7 out next prospective juror in line) Hi, Mr. Cantu.
8 You're under medication?

9 PROSPECTIVE JUROR: Yes. I'm taking the
10 purple pill for the bleeding ulcers.

11 THE COURT: For bleeding ulcers?

12 PROSPECTIVE JUROR: I've got pain across
13 the stomach and into my back.

14 THE COURT: You have it all of the time,
15 don't you?

16 PROSPECTIVE JUROR: Yeah.

17 THE COURT: Are you working?

18 PROSPECTIVE JUROR: Yeah. I'm working.

19 THE COURT: Where are you working at, sir?

20 PROSPECTIVE JUROR: At Valley Baptist.

21 THE COURT: Mr. Cantu, you go about your
22 life with this any way --

23 PROSPECTIVE JUROR: Uh-huh.

24 THE COURT: -- I am not going to grant your
25 medical reason and I am going to ask you to serve, please.

1 You'll serve today and later on you'll get an appointment
2 later. You're going to need a badge. So don't go away.
3 Debbie, give him a badge.

4 (Excused at 10:43 a.m.)

5 BLANCA ESTHELA RODRIGUEZ,
6 having been called as a prospective juror and, upon
7 her oath, was examined and testified as follows:

8 VOIR DIRE EXAMINATION

9 BY THE COURT:

10 THE COURT: Blanca Esthela Rodriguez?

11 (Court calls out next prospective juror in
12 line)

13 Juror Number 895131. You are the primary
14 caregiver for your father?

15 PROSPECTIVE JUROR: For my father.

16 THE COURT: How old is your father?

17 PROSPECTIVE JUROR: Eighty-seven years old.

18 THE COURT: And who else takes care of him?

19 PROSPECTIVE JUROR: I take care of him all
20 day. And at night, my brothers and sisters help.

21 THE COURT: Is there anybody else around
22 that can take care of him?

23 PROSPECTIVE JUROR: No. And also I am a
24 Jehovah's witness. I don't think that I can serve.

25 THE COURT: I'm going to go ahead and grant

1 your excuse.

2 PROSPECTIVE JUROR: Thank you very much.

3 (Excused at 10:43 a.m.)

4 AGAPITA GARCIA,

5 having been called as a prospective juror and, upon
6 her oath, was examined and testified as follows:

7 VOIR DIRE EXAMINATION

8 BY THE COURT:

9 THE COURT: Agapita Garcia?

10 (Court calls out next prospective juror in
11 line)

12 Hi, Ms. Garcia.

13 PROSPECTIVE JUROR: Hello.

14 THE COURT: Last day of school? Teacher?
15 Available after July 4?

16 PROSPECTIVE JUROR: Yes.

17 THE COURT: What are you going to do if you
18 get picked on this jury?

19 PROSPECTIVE JUROR: Ill lose \$4,000 for
20 summer school.

21 THE COURT: Is that going to worry you, and
22 get you preoccupied?

23 PROSPECTIVE JUROR: It might.

24 THE COURT: Step back to the star, please.

25 (Discussion on the record at the bench.)

1 MR. GILMAN: That is going to be a big blow
2 to her income. I don't have any objection to her being
3 excused.

4 MR. PADILLA: The State would have no
5 objections either, for economic reasons.

6 **(End of bench conference.)**

7 THE COURT: Step forward, ma'am. I'm going
8 to go ahead and grant it, Mrs. Garcia.

9 PROSPECTIVE JUROR: What?

10 THE COURT: You're excused.

11 PROSPECTIVE JUROR: Thank you.

12 **(Excused at 10:44 a.m.)**

13 **ANNA LUISA SINGLATERRY,**
14 **having been called as a prospective juror and, upon**
15 **her oath, was examined and testified as follows:**

16 **VOIR DIRE EXAMINATION**

17 **BY THE COURT:**

18 THE COURT: Anna Luisa Singlaterry. Juror
19 230135. Children under ten. How old are the children,
20 ma'am?

21 PROSPECTIVE JUROR: One has just turned
22 three, and the other one is seven.

23 THE COURT: And what do you do for a
24 living? Where do you work?

25 PROSPECTIVE JUROR: I do tutorials in the

1 morning.

2 THE COURT: You take tutorials?

3 PROSPECTIVE JUROR: I give tutorials.

4 THE COURT: You give tutorial classes?

5 PROSPECTIVE JUROR: In Spanish.

6 THE COURT: In Spanish?

7 PROSPECTIVE JUROR: Yes.

8 THE COURT: So who takes care of your
9 children?

10 PROSPECTIVE JUROR: It's in the evening;
11 it's at the home.

12 THE COURT: It's at home?

13 PROSPECTIVE JUROR: Yes.

14 THE COURT: So who takes care of your kids
15 when you do that?

16 PROSPECTIVE JUROR: Sometimes my mother.

17 THE COURT: Can your mother take care of
18 your children, if you were to be picked on the jury?

19 PROSPECTIVE JUROR: No. It's because she's
20 70 years old and she is living in Mexico, and sometimes
21 she comes when I have a tutorial.

22 THE COURT: Is there anybody else who can
23 take care of the children?

24 PROSPECTIVE JUROR: No.

25 THE COURT: Okay. Step back to the star

1 please.

2 (Discussion on the record at the bench.)

3 THE COURT: Sounds like's she's got the
4 children under ten.

5 MR. GILMAN: Yeah. She does have an excuse
6 for children under ten.

7 MR. PADILLA: That's fine. No problem with
8 that.

9 (End of bench conference.)

10 THE COURT: Mrs. Singlaterry. Step
11 forward. You are excused. Thank you very much.

12 PROSPECTIVE JUROR: Thank you.

13 (Excused at 10:45 a.m.)

14 LAURA ANN SOLIS,
15 having been called as a prospective juror and, upon
16 her oath, was examined and testified as follows:

17 VOIR DIRE EXAMINATION

18 BY THE COURT:

19 THE COURT: Laura Ann Solis. Juror Number
20 799970.

21 (Court calls out next prospective juror in
22 line).

23 PROSPECTIVE JUROR: Hello.

24 THE COURT: Hi. Where are you a student
25 at?

1 PROSPECTIVE JUROR: I'm a student at UTB.

2 THE COURT: And what are you doing this
3 summer?

4 PROSPECTIVE JUROR: I have summer one and
5 summer two in the fall. I have my statement of charges in
6 here.

7 MR. PADILLA: Already paid for or what?

8 THE COURT: Where are you going on
9 vacation?

10 PROSPECTIVE JUROR: I'm not. I'm going to
11 UTB.

12 THE COURT: Well, the only question I got
13 for you: Are you ready for that? You're excused. Thank
14 you.

15 (Excused at 10:45 a.m.)

16 YURYTTY RUIZ,
17 having been called as a prospective juror and, upon

18 VOIR DIRE EXAMINATION

19 BY THE COURT:

20 THE COURT: Yurytzy Ruiz?

21 PROSPECTIVE JUROR: Good morning.

22 THE COURT: Hi.

23 PROSPECTIVE JUROR: Hi.

24 THE COURT: Tomorrow is your last day. I'm
25 sorry. That is not --

1 MR. GILMAN: She'll be there tomorrow,
2 Judge.

3 THE COURT: You'll be there tomorrow.

4 PROSPECTIVE JUROR: I'm sorry.

5 THE COURT: You'll be here tomorrow.
6 You're going to need your badge. Just follow her.

7 (Excused at 10:46 a.m.)

8 ADOLFO GOMEZ,
9 having been called as a prospective juror and, upon
10 his oath, was examined and testified as follows:

11 VOIR DIRE EXAMINATION

12 BY THE COURT:

13 THE COURT: Adolfo Gomez, Jr?

14 (Court calls out next prospective juror in
15 line) Are you Adolfo Gamez?

16 PROSPECTIVE JUROR: Yes, sir.

17 THE COURT: Step back. You're okay.

18 Ladies and gentlemen this is taking a little bit longer
19 than I anticipated. So I am going to go ahead and give
20 you a break for another half hour. I may be over
21 optimistic, but you'll have another break for another hour
22 and a half. If you've already come up forward and
23 requested issues of exemptions or qualifications, just
24 wait until I call you. The rest of you, if you want to
25 take a break, walk around and come back at 11:00, I would

1 appreciate it if you come back at 11:00. In the meantime,
2 we will be up here working.

3 Mr. Gamez?

4 PROSPECTIVE JUROR: Yes, sir.

5 THE COURT: No car? How did you get here
6 today?

7 PROSPECTIVE JUROR: Today I brought my
8 mom's car. She had my brother's.

9 THE REPORTER: This is Juror number 756786.
10 You're saying that you have no transportation to come
11 here, sir. Is that what you're saying?

12 PROSPECTIVE JUROR: Yes. I brought my
13 mom's vehicle. Her only vehicle -- she has to go pick up
14 my brother from school -- and I have a year and a nine
15 month baby nephew at home that she takes care of.

16 THE COURT: What do you do for a living?

17 PROSPECTIVE JUROR: I work at Pizza Hut.

18 THE COURT: And how do you get to work?

19 PROSPECTIVE JUROR: My mom either drops me
20 off, or I call a friend to come pick me up. My vehicle
21 just finished getting repossessed. So I'm in the process
22 of trying to get another vehicle and pay that to get that
23 one back.

24 THE COURT: Okay. Step back to the star,
25 please.

1 **(Discussion on the record at the bench.)**

2 MR. GILMAN: I think he can serve.

3 THE COURT: Pardon me?

4 MR. PADILLA: He can serve. It is
5 inconvenient, but he can serve.

6 THE COURT: Step forward, Mr. Gamez. Mr.
7 Gamez, I'm going to deny your request at this time.

8 PROSPECTIVE JUROR: That's fine.

9 THE COURT: I think you'll be back in time
10 for today. And then you're going to get one more
11 appointment in the next two weeks. And then after that
12 you may have to come back. But for now, you're going to
13 have to serve.

14 PROSPECTIVE JUROR: Okay.

15 **(Excused at 10:48 a.m.)**

16 **MARIA GUADALUPE HINOJOSA,**
17 **having been called as a prospective juror and, upon**
18 **her oath, was examined and testified as follows:**

19 **VOIR DIRE EXAMINATION**

20 **BY THE COURT:**

21 THE COURT: Maria Guadalupe Hinojosa?

22 PROSPECTIVE JUROR: I'm here, Judge.

23 (Court calls out next prospective juror in
24 line) Hi, Ms. Hinojosa. This is Juror Number 273379.
25 Moving to Dallas with your children on June 6 to join your

1 husband.

2 PROSPECTIVE JUROR: Yes. My husband just
3 got a new job.

4 THE COURT: What's he doing now?

5 PROSPECTIVE JUROR: He said he's an
6 administrator with City Bank.

7 THE COURT: With City Bank?

8 PROSPECTIVE JUROR: Yeah. He lost his job
9 after Katrina. We had to move to Los Angeles, but it was
10 too busy for me -- for me and my kids.

11 THE COURT: How old are your children?

12 PROSPECTIVE JUROR: My boys are 11 and 13.

13 THE COURT: How old are your children?

14 PROSPECTIVE JUROR: Now? 11 and 13.

15 THE COURT: And who takes cares of your
16 children if you're not around?

17 PROSPECTIVE JUROR: Well, pretty much I'm
18 the one, because what I do, I go take them school and go
19 pick them up after school.

20 THE COURT: Okay. And you are moving out
21 of the county?

22 PROSPECTIVE JUROR: Yes, sir. I'm moving
23 back home.

24 THE COURT: Step back to the star, please.

25

1 **(Discussion on the record at the bench.)**

2 MR. PADILLA: Did she say when she was
3 moving out?

4 MR. GILMAN: She is moving next week to
5 Dallas.

6 MR. MOORE: The State would have no
7 opposition to her being released.

8 THE COURT: Any objection?

9 MR. GILMAN: No.

10 **(End of bench conference.)**

11 THE COURT: Step forward, Ms. Hinojosa.

12 PROSPECTIVE JUROR: Yes, sir.

13 THE COURT: Juror No. 273379. You are
14 excused.

15 PROSPECTIVE JUROR: Thank you much, sir.

16 **(Excused at 10:49 a.m.)**

17 **GIL LEONARDO MATTHEWS,**
18 **having been called as a prospective juror and, upon**
19 **his oath, was examined and testified as follows:**

20 **VOIR DIRE EXAMINATION**

21 **BY THE COURT:**

22 THE COURT: Gil Leonardo Matthews?

23 (Court calls out next prospective jurors in
24 line) Just wait right there. Mr. Matthews, step forward.
25 "In one car you take your wife and mother to work. They

1 do not have driver's license. You do not work."

2 PROSPECTIVE JUROR: I do not work. I've
3 been trying to get employment as of February. But, yet,
4 I've been unsuccessful.

5 THE COURT: Well, Mr. Matthews, why can't
6 you serve, though?

7 PROSPECTIVE JUROR: Because of
8 transportation. We only have one car.

9 THE COURT: It's inconvenient. But you
10 have to make some arrangements. It's not a valid reason,
11 is what I'm telling you, sir.

12 PROSPECTIVE JUROR: Okay.

13 THE COURT: I know it's inconvenient. I'm
14 sorry for that -- and I apologize for that -- but
15 everybody has got to do their part. That's not a valid
16 reason. The laws do not allow me to excuse you for that
17 reason.

18 PROSPECTIVE JUROR: Okay.

19 THE COURT: So I'm going to deny your
20 request. You'll serve today. You'll probably get off
21 early enough today. Then you'll get an appointment in the
22 next two weeks. You'll come back and then we'll deal with
23 it at that time.

24 PROSPECTIVE JUROR: So ---

25 THE COURT: You'll have one more

1 appointment, 45 minutes to an hour and a half, in the next
2 two weeks.

3 PROSPECTIVE JUROR: Okay. But -- today?

4 THE COURT: Today, you serve today.

5 PROSPECTIVE JUROR: Because I'm the only
6 one that has a car.

7 THE COURT: I understand. You'll be out
8 early afternoon.

9 PROSPECTIVE JUROR: Okay.

10 THE COURT: Okay? You're going to need
11 your ID.

12 (Excused at 10:51 a.m.)

13 DORIS BACA,
14 having been called as a prospective juror and, upon
15 her oath, was examined and testified as follows:

16 VOIR DIRE EXAMINATION

17 BY THE COURT:

18 THE COURT: Doris Baca?

19 (Court calls out next prospective juror in
20 line) Hi, Mrs. Baca. You have attendance at Career
21 Center of Texas. In the middle of the last test --

22 PROSPECTIVE JUROR: Uh-huh.

23 THE COURT: -- and you should graduate on
24 May 3. Congratulations!

25 PROSPECTIVE JUROR: Thank you. Last day is

1 actually June 3 on a Tuesday. The graduation is for cap
2 and gown on Tuesday.

3 THE COURT: Basically, you have to serve
4 today.

5 PROSPECTIVE JUROR: Okay.

6 THE COURT: And you'd be free. And then
7 you come back for about a 45 minute to an hour
8 appointment.

9 PROSPECTIVE JUROR: Uh-huh.

10 THE COURT: -- in the next two or three
11 weeks, and then we'll find out whether you served later.

12 PROSPECTIVE JUROR: That's fine. As long
13 as it doesn't --

14 THE COURT: I don't think it will
15 interfere.

16 MR. PADILLA: Get your badge.

17 (Excused at 10:51 a.m.)

18 DEANNA G. HINOJOSA,
19 having been called as a prospective juror and, upon
20 her oath, was examined and testified as follows:

21 VOIR DIRE EXAMINATION

22 BY THE COURT:

23 THE COURT: Deanna Georgia Hinojosa? This
24 is Juror number 913259.

25 PROSPECTIVE JUROR: Good morning.

1 THE COURT: Good morning. How are you?

2 PROSPECTIVE JUROR: Fine, thank you.

3 THE COURT: You take care of your
4 granddaughter's children?

5 PROSPECTIVE JUROR: My granddaughter, yes.

6 THE COURT: Anybody else -- who else takes
7 care of them when you're not around?

8 PROSPECTIVE JUROR: I'm always around.

9 THE COURT: Grandmas are good for that.
10 What does your daughter do?

11 PROSPECTIVE JUROR: She's a school teacher.
12 She'll be out June 5.

13 THE COURT: June 5? Basically,
14 Mrs. Hinojosa, you would serve today and you wouldn't come
15 back until the next two weeks for another appointment and
16 then the trial would not start until afterwards.

17 PROSPECTIVE JUROR: Come back in two weeks?

18 THE COURT: Probably in the next two weeks.

19 PROSPECTIVE JUROR: Oh, okay. So, then I
20 could stay today?

21 THE COURT: Today.

22 PROSPECTIVE JUROR: -- but not have to come
23 back next week?

24 THE COURT: You don't have to come back --
25 it'll be just a short appointment.

1 PROSPECTIVE JUROR: That'll work.

2 THE COURT: That'll work? She'll give you
3 your ID.

4 (Excused at 10:52 a.m.)

5 DIANE YEVONNE NICHOLS,
6 having been called as a prospective juror and, upon
7 her oath, was examined and testified as follows:

8 VOIR DIRE EXAMINATION

9 BY THE COURT:

10 THE COURT: Diane Yevonne Nichols? (Court
11 calls out next prospective juror in line.)

12 Hi, Mrs. Nichols. You are Juror Number
13 223713. You have a scheduled trip to China in two weeks,
14 and medical. What's the medical?

15 PROSPECTIVE JUROR: The adoption of my son.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR: I'm going to China to
18 adopt my son, and he's a Special need son. He needs
19 surgery when he comes back.

20 THE COURT: And when is the trip scheduled?

21 PROSPECTIVE JUROR: June. I don't know
22 exactly what date. It'll be a Friday in June. We already
23 got our Visas, and we are waiting for the consulate's
24 appointment.

25 THE COURT: And if you get picked on this

1 jury, you would be preoccupied about this, would you not?

2 PROSPECTIVE JUROR: Yes. I have to go get
3 my son.

4 THE COURT: You're excused, ma'am. Thank
5 you.

6 PROSPECTIVE JUROR: Thank you.

7 MR. PADILLA: Congratulations. Good luck.

8 MR. GILMAN: Congratulations.

9 (Excused at 10:53 a.m.)

10 MICHAEL LEAL,
11 having been called as a prospective juror and, upon
12 his oath, was examined and testified as follows:

13 VOIR DIRE EXAMINATION

14 BY THE COURT:

15 THE COURT: Michael Leal?

16 (Court calls out next prospective juror in
17 line) I don't excuse doctors.

18 PROSPECTIVE JUROR: I'm not a doctor. I'm
19 a nurse assistant.

20 THE COURT: I don't excuse lawyers.

21 PROSPECTIVE JUROR: Any way, I have a
22 letter here from the chief of anesthesia. I don't know if
23 you want to look at it.

24 THE COURT: You know -- I'm terribly sorry.
25 CRNAs are very much in short supply. I represented a

1 couple of anesthesia groups. But my job as a Judge now --

2 PROSPECTIVE JUROR: Okay -- that's fine.

3 I understand.

4 THE COURT: -- and I think you can serve.

5 Hold on a second, you're going to need your badge.

6 (Excused at 10:53 a.m.)

7 JULIA R. SCHIFF,

8 having been called as a prospective juror and, upon

9 her oath, was examined and testified as follows:

10 VOIR DIRE EXAMINATION

11 BY THE COURT:

12 THE COURT: Julia R. Schiff. Julia Schiff.

13 (Calls next name on list)

14 You're a Jehovah witness?

15 PROSPECTIVE JUROR: Yes, sir.

16 THE COURT: How long have been a Jehova
17 witness?

18 PROSPECTIVE JUROR: A baptized witness, for
19 ten years.

20 THE COURT: Where were you baptized?

21 PROSPECTIVE JUROR: In Harlingen, Texas.

22 THE COURT: Why is it that you think you
23 should not be able to serve just because you're a
24 Jehovah's witness?

25 PROSPECTIVE JUROR: Because as imperfect

1 humans, I believe that nobody has the right to judge
2 except Jehovah God. And in Matthew 7:1, it states
3 clearly: "Do not judge because in the manner that you are
4 judging, you will be judged yourself." And also in Isaiah
5 33:22, it also sets out that Jehovah is our judge.

6 THE COURT: Mrs. Schiff, you are excused.
7 Thank you very much.

8 PROSPECTIVE JUROR: You are excused.

9 THE COURT: That was Julia Schiff.

10 **SARA IRACHETA,**
11 **having been called as a prospective juror and, upon**
12 **her oath, was examined and testified as follows:**

13 **VOIR DIRE EXAMINATION**

14 **BY THE COURT:**

15 THE COURT: (Court calls out next
16 prospective juror in line) You say you're going to be out
17 of the country June 8 through the 21st? You have already
18 paid your airline reservations?

19 PROSPECTIVE JUROR: I don't know. It's
20 through the government. My work pays for it. So I don't
21 know if they payed ---

22 THE COURT: Who do you work for?

23 PROSPECTIVE JUROR: I work for the
24 U. S. State Department.

25 THE COURT: For the U.S. State Department?

1 PROSPECTIVE JUROR: Uh-huh.

2 THE COURT: And what do you do for the U.S.
3 Department?

4 PROSPECTIVE JUROR: I'm a foreign service
5 officer. I'm currently at that consulate in Matamoros, on
6 the Visa line.

7 THE COURT: That's not --

8 PROSPECTIVE JUROR: Yeah, I know. It said
9 two weeks. So I just put it down.

10 THE COURT: I understand. And I'm going to
11 deny it. You're going to need your ID.

12 (Excused at 10:55 a.m.)

13 REYNALDO LIMON,
14 having been called as a prospective juror and, upon
15 his oath, was examined and testified as follows:

16 VOIR DIRE EXAMINATION

17 BY THE COURT:

18 THE COURT: Reynaldo Limon? (Court calls
19 out next prospective juror in line) I'm so sorry about
20 your lost. Your brother just passed away?

21 PROSPECTIVE JUROR: Yes, sir.

22 THE COURT: Basically, you would have to
23 serve just today, sir, and then you would be off for a
24 couple of weeks.

25 PROSPECTIVE JUROR: Even if I work the two

1 hour shift, sir, I work the graveyard shift, and I just
2 got out six o'clock this morning.

3 THE COURT: Graveyard shift is no excuse,
4 sir.

5 PROSPECTIVE JUROR: I'm just saying. I
6 don't want to be falling asleep, sir --

7 THE COURT: I understand. You're going to
8 be able to go to your brother's funeral tomorrow. And I'm
9 sorry for your lost, but I'm going to deny your request.
10 You're going to have to get an I.D.

11 (Excused at 10:56 a.m.)

12 SAMANTHA PEREZ,
13 having been called as a prospective juror and, upon
14 her oath, was examined and testified as follows:

15 VOIR DIRE EXAMINATION

16 BY THE COURT:

17 THE COURT: Samantha Perez?

18 MR. GILMAN: Good morning.

19 PROSPECTIVE JUROR: Good morning.

20 THE COURT: All right. Her conscious will
21 not let her judge. Tell me about that. Why don't you
22 think you cannot judge anybody?

23 PROSPECTIVE JUROR: I just don't feel that
24 I'm in the place to judge another person. I feel that
25 that's God's place to do that. I don't feel --

1 THE COURT: What's your religion, ma'am?
2 How long have you been a Jehovah's witness.

3 PROSPECTIVE JUROR: For about ten years.

4 THE COURT: When were you baptized?

5 PROSPECTIVE JUROR: In '98.

6 MR. GILMAN: No objections.

7 PROSPECTIVE JUROR: You're excused. That
8 was Juror Number 752651.

9 (excused at 10:56 a.m.)

10 MARIA MAGDELENA MEDINA,
11 having been called as a prospective juror and, upon
12 her oath, was examined and testified as follows:

13 VOIR DIRE EXAMINATION

14 BY THE COURT:

15 THE COURT: Maria Magdalena Medina. This
16 is Juror Number 788019. You're a diabetic, and you are
17 taking --

18 PROSPECTIVE JUROR: Medication.

19 THE COURT: Just because you're a diabetic,
20 doesn't mean you can't serve.

21 PROSPECTIVE JUROR: But I need to go for
22 the meds, also.

23 THE COURT: What I do with my jurors, I
24 always tell them to raise their hand if you need a break,
25 and I give them a break.

1 PROSPECTIVE JUROR: Oh, okay.

2 THE COURT: And this will be in my court.
3 So I'll be able to do that.

4 PROSPECTIVE JUROR: Okay. We'll do that.

5 THE COURT: She'll give you your ID. Thank
6 you very much.

7 (Excused at 10:56 a.m.)

8 RAQUEL MARTINEZ HINOJOSA,
9 having been called as a prospective juror and, upon
10 her oath, was examined and testified as follows:

11 VOIR DIRE EXAMINATION

12 BY THE COURT:

13 THE COURT: Raquel Martinez Hinojosa?

14 (Court calls out next prospective juror in
15 line)

16 MR. GILMAN: She's coming, Judge.

17 THE COURT: Mrs. Hinojosa, step forward.
18 You served before and you got very sick of your nerves,
19 and you had to see a doctor.

20 PROSPECTIVE JUROR: Yes.

21 THE COURT: Why are you scared to serve?

22 PROSPECTIVE JUROR: I just can't make
23 decisions. And I really can't write --

24 THE COURT: Well, all you got to do is have
25 the experience of age to answer the questions, and we get

1 to a certain age.

2 PROSPECTIVE JUROR: Yeah. Sometimes I
3 cannot understand -- you know -- when they're talking. I
4 really can't understand. And I can't explain by writing
5 -- I guess.

6 THE COURT: You've already served on juries
7 before?

8 PROSPECTIVE JUROR: Yes, yes. And I know
9 the Bible.

10 THE COURT: Mrs. Hinojosa.

11 PROSPECTIVE JUROR: Oh, sir --

12 THE COURT: I prefer to have people that
13 know the Bible, than those who don't know the Bible.

14 PROSPECTIVE JUROR: I'm scared.

15 THE COURT: I would love to have you on my
16 jury.

17 PROSPECTIVE JUROR: I'm scared.

18 THE COURT: I'd rather have somebody who is
19 scared to make a decision than somebody who doesn't even
20 think about it. Mrs. Hinojosa, that's a good thing.
21 That's not a bad thing.

22 PROSPECTIVE JUROR: I thought that was the
23 worst thing --

24 THE COURT: No, ma'am. That's not a bad
25 thing. She's going to give you your I. D. I'm going to

1 deny your request.

2 (Excused at 10:58 a.m.)

3 JESUS ROBLES,

4 having been called as a prospective juror and, upon
5 his oath, was examined and testified as follows:

6 VOIR DIRE EXAMINATION

7 BY THE COURT:

8 THE COURT: Jesus Robles?

9 PROSPECTIVE JUROR: Hello. Hi.

10 THE COURT: Hi. Your father's in the
11 hospital badly burned?

12 PROSPECTIVE JUROR: He had an accident.

13 THE COURT: How long ago?

14 PROSPECTIVE JUROR: About a week ago. He's
15 a 91 year old man. He was cleaning a chain saw with
16 gasoline, and burned his leg, his hand, and he had to do
17 graphs.

18 THE COURT: What do you do for a living?

19 PROSPECTIVE JUROR: I work at a water
20 supply corporation.

21 THE COURT: I'm sorry?

22 PROSPECTIVE JUROR: And I'm really the only
23 son that is available down here. So I am trying to
24 commute back and forth to see him and my mother at the
25 same time. And it's --

1 THE COURT: Okay. Step back to the star,
2 please, and I'll be right with you.

3 (Discussion on the record at the bench.)

4 THE COURT: It sounds to me like he'd be
5 preoccupied with his father.

6 MR. PADILLA: Yes, Your Honor. The State
7 has no opposition.

8 MR. GILMAN: We don't object.

9 (End of bench conference.)

10 THE COURT: Step forward, Mr. Robles.
11 Juror Number 804235, you're excused. Good luck. God
12 bless.

13 (Excused at 10:59 a.m.)

14 THE COURT: Iris Casanova?

15 IRIS CASANOVA,
16 having been called as a prospective juror and, upon
17 her oath, was examined and testified as follows:

18 VOIR DIRE EXAMINATION

19 BY THE COURT:

20 THE COURT: (Court calls out next
21 prospective juror in line. You are under a doctor's care?

22 PROSPECTIVE JUROR: Yes, sir.

23 THE COURT: When are you going to --

24 PROSPECTIVE JUROR: I'm going back in
25 July -- I mean in June -- June 10.

1 THE COURT: Where at?

2 PROSPECTIVE JUROR: At M.D. Anderson.

3 THE COURT: Good luck. God bless.

4 (Excused at 10:59 a.m.)

5 NOE GRACIA,

6 having been called as a prospective juror and, upon
7 his oath, was examined and testified as follows:

8 VOIR DIRE EXAMINATION

9 BY THE COURT:

10 THE COURT: Noe Gracia? Hi. Mr. Gracia?

11 PROSPECTIVE JUROR: Yes, sir?

12 THE COURT: What's wrong with your wife?

13 PROSPECTIVE JUROR: She has arthritis, and
14 she has anxiety attacks.

15 THE COURT: And where do you work?

16 PROSPECTIVE JUROR: I work for the school
17 district in San Benito.

18 THE COURT: Okay. So who takes care of her
19 during the day?

20 PROSPECTIVE JUROR: I take care of her in
21 the morning until two o'clock. and then after two o'clock,
22 we have a provider.

23 THE COURT: Okay. But who -- when you work
24 who takes care of her?

25 PROSPECTIVE JUROR: The provider.

1 THE COURT: And when you work -- at what
2 time?

3 RESPONDENT'S ATTY: I enter at two in the
4 afternoon.

5 THE COURT: Okay. You go in at
6 2:00 o'clock in the afternoon?

7 PROSPECTIVE JUROR: I go to work at
8 2:00 o'clock in the afternoon, and then the provider comes
9 in until 6:00 o'clock.

10 THE COURT: Can the provider take care of
11 her during the day, if you were to be picked up on the
12 jury, sir?

13 PROSPECTIVE JUROR: I wouldn't know, sir,
14 because it depends on the program. It depends upon the
15 Medicare.

16 THE COURT: Step back over there, Mr.
17 Gracia.

18 **(Discussion on the record at the bench.)**

19 This is Noe Gracia. Juror 748324. You
20 guys heard it.

21 MR. GILMAN: He can work, sir. He can
22 serve.

23 MR. PADILLA: Yeah. I think he can serve.
24 We can address it again at individual voir dire.

25 **(End of bench conference.)**

1 THE COURT: Mr. Gracia, I'm going to deny
2 your request, and I'm going to ask that you please serve.

3 PROSPECTIVE JUROR: Okay.

4 THE COURT: They'll give you the ID. Just
5 a minute, please.

6 (Excused at 11:01 a.m.)

7 ELIZABETH SIERRA,
8 having been called as a prospective juror and, upon
9 her oath, was examined and testified as follows:

10 VOIR DIRE EXAMINATION

11 BY THE COURT:

12 THE COURT: Elizabeth Sierra? Hi.

13 PROSPECTIVE JUROR: Hello, sir.

14 THE COURT: How old are your children?

15 PROSPECTIVE JUROR: I have a one year old,
16 a two year old, and a four year old, and I'm a housewife.

17 THE COURT: Sounds like a wonderful spread.
18 Who is taking care of them now?

19 PROSPECTIVE JUROR: My parents, and they're
20 elderly. My sister just took the night shift, and I told
21 her if she could please not go to sleep while I came over.

22 THE COURT: Do you have anybody else around
23 that can take care of the children?

24 PROSPECTIVE JUROR: No. Because my sisters
25 work.

1 THE COURT: Okay. Step back a little bit.
2 Thank you very much.

3 (Discussion on the record at the bench.)

4 THE COURT: Gentleman, it sounds like she's
5 got an exception.

6 MR. PADILLA: Yes, Your Honor.

7 MR. GILMAN: Yes, sir.

8 (End of bench conference.)

9 THE COURT: Step forward, ma'am. You are
10 excused. Thank you very much.

11 PROSPECTIVE JUROR: Thank you, sir.

12 (Excused at 11:01 a.m.)

13 GABRIELA MALDONADO,
14 having been called as a prospective juror and, upon
15 her oath, was examined and testified as follows:

16 VOIR DIRE EXAMINATION

17 BY THE COURT:

18 THE COURT: Gabriela Maldonado? (Court
19 calls out next prospective juror in line)

20 How old are your children, ma'am?

21 PROSPECTIVE JUROR: Two and four --

22 THE COURT: And who is taking care of them
23 right now?

24 PROSPECTIVE JUROR: Well, right now,
25 Camilia is in Pre-K, but she's going to get out of school

1 next week and Baby Eddie right now is at the day care.

2 THE COURT: Well, if you were to get picked
3 on the jury -- couldn't they be at the day care?

4 PROSPECTIVE JUROR: Well, the reason that
5 we put Camila in Pre-K is because we can't afford day care
6 for both of them.

7 THE COURT: Stand back behind the star.

8 MR. PADILLA: I think she qualifies.

9 MR. GILMAN: Yes.

10 THE COURT: She has an exemption? Is that
11 what you're saying? Mrs. Maldonado, Juror Number 764545.
12 You're excused, ma'am. Thank you.

13 PROSPECTIVE JUROR: Thank you.

14 (Excused at 11:02 a.m.)

15 ROBERTO JAVIER CHAPA,
16 having been called as a prospective juror and, upon
17 his oath, was examined and testified as follows:

18 VOIR DIRE EXAMINATION

19 BY THE COURT:

20 THE COURT: Roberto Javier Chapa?

21 (Court calls out next prospective juror in
22 line) You're are taking classes, sir.

23 PROSPECTIVE JUROR: Yes, sir.

24 THE COURT: And are you a full-time student
25 right now?

1 PROSPECTIVE JUROR: No. Not a full-time
2 student. I'm taking a pharmacy technician course at TSTC.

3 THE COURT: But you're not a full-time
4 student?

5 PROSPECTIVE JUROR: Not a full-time.

6 THE COURT: When is class over?

7 PROSPECTIVE JUROR: At the end of June.

8 THE COURT: Okay. Basically, in this
9 situation, you would serve today, come back in the next
10 two weeks, and then they would figure out whether you
11 would be picked, or not picked. So if you're not a
12 full-time student --

13 PROSPECTIVE JUROR: Well --

14 THE COURT: -- you don't qualify.

15 PROSPECTIVE JUROR: Okay.

16 THE COURT: Okay? So I'm going to ask you
17 to please stick around, and they'll give you your ID.

18 (Excused at 11:03 a.m.)

19 VICENTE TORRES,
20 having been called as a prospective juror and, upon
21 his oath, was examined and testified as follows:

22 VOIR DIRE EXAMINATION

23 BY THE COURT:

24 THE COURT: Vicente Torres? Hi,
25 Mr. Torres. You have a 12 year old that will be admitted

1 to the hospital.

2 PROSPECTIVE JUROR: That's the first issue.

3 THE COURT: That's the what?

4 PROSPECTIVE JUROR: That's the first issue.

5 THE COURT: Explain it to me.

6 PROSPECTIVE JUROR: I have three kids. One

7 of my kids is going to be admitted to the hospital today.

8 And the others are out for school on February 6 -- I mean

9 next month on the sixth -- out of school for the summer.

10 THE COURT: What do you do for a living?

11 PROSPECTIVE JUROR: I have custody for the
12 summer. I have custody of three kids.

13 THE COURT: How do you support them?

14 PROSPECTIVE JUROR: I'm a musician.

15 THE COURT: You're a musician?

16 PROSPECTIVE JUROR: Yes, on the weekends.

17 And also this summer, in about three weeks, we will be

18 headed up North to work in Ohio to work in the fields.

19 THE COURT: Mr. Torres, it doesn't sound
20 like -- I'm not hearing anything that qualifies you as an
21 exemption. Who takes care of the kids?

22 PROSPECTIVE JUROR: I do. I'm the one that
23 takes care of the kids.

24 THE COURT: What about when you're on your
25 gigs?

1 PROSPECTIVE JUROR: My parents do. Yes.
2 But they have issues, also. They can't do it -- they
3 can't do anything. They're both handicap.

4 THE COURT: So how do you make arrangements
5 when you're kids are at home?

6 PROSPECTIVE JUROR: Sometimes -- you know
7 -- my dad will take care of them for me whenever I have to
8 play. In the summer, they're going to be headed with me
9 up North, up to Ohio.

10 THE COURT: Okay. Step back to the star,
11 please's.

12 **(Discussion on the record at the bench.)**

13 THE COURT: It sounds to me like he's going
14 to be preoccupied with his gigs situation. It's up to
15 y'all.

16 **(Discussion on the record at the bench.)**

17 MR. PADILLA: Judge, we have no opposition.

18 MR. GILMAN: I think he can serve, Judge.
19 I think he's just making excuses.

20 THE COURT: Yeah, but he's got sense --
21 that's why I asked him.

22 MR. PADILLA: He could be moving out of the
23 Valley here any way. He has his children with him.

24 MR. GILMAN: I have a feeling that it's not
25 the full truth here. I want him to serve.

1 (End of bench conference.)

2 THE COURT: Mr. Torres? We don't have a
3 total agreement that you should be excused.

4 PROSPECTIVE JUROR: Okay. Well, can I be
5 excused because my daughter has to be admitted today for
6 sure, at 1:30.

7 THE COURT: Has to be where?

8 PROSPECTIVE JUROR: Admitted to the Good
9 Behavioral Hospital in Edinburg.

10 THE COURT: What is the Good Behavioral
11 Hospital?

12 PROSPECTIVE JUROR: Okay. I'm having
13 trouble with my 12 year old. I'm having a lot of trouble
14 with her. She's misbehaving. She fail for the third
15 time, and the doctor admitted her to the Good Behavioral
16 Hospital.

17 THE COURT: And she's got to go in today?

18 PROSPECTIVE JUROR: Yes. You see the
19 doctor --

20 THE COURT: I'm going to go ahead and grant
21 your excuse. You are excused. Thank you very much.

22 (Excused at 11:05 a.m.)

23 DANE R. STANAGE,
24 having been called as a prospective juror and, upon
25 his oath, was examined and testified as follows:

VOIR DIRE EXAMINATION

BY THE COURT:

THE COURT: Dane R. Stanage?

PROSPECTIVE JUROR: Yes, sir.

THE COURT: Mr. Stanage, where are going
this summer for vacation?

PROSPECTIVE JUROR: I'm not going anywhere.
I'm from Arkansas. That's where I'm from originally. And
I got grad school. I am enrolled right now.

THE COURT: You're enrolled right now?

PROSPECTIVE JUROR: Yes, sir. I got a
statement of charges.

THE COURT: Is that for next semester?

PROSPECTIVE JUROR: It's starting Monday.
Summer session.

THE COURT: Full-time student?

PROSPECTIVE JUROR: Yes, sir.

THE COURT: You're excused. Thank you very
much.

PROSPECTIVE JUROR: Thank you.

(Excused at 11:06 a.m.)

BRANDON O. HAECKE,

**having been called as a prospective juror and, upon
his oath, was examined and testified as follows:**

VOIR DIRE EXAMINATION

1 BY THE COURT:

2 THE COURT: Brandon Haecke?

3 (Court calls out next prospective juror in
4 line)

5 PROSPECTIVE JUROR: Good morning, Your
6 Honor.

7 THE COURT: Hi. You live at the Island?

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: Tires got slashed?

10 PROSPECTIVE JUROR: All four.

11 THE COURT: The good thing is, you just
12 served today, and you don't have to come back for the next
13 couple of weeks. The next couple of weeks, you'll come
14 back.

15 PROSPECTIVE JUROR: But, you see the thing
16 is, my tires got slashed. I have to buy new ones. It
17 cuts into my savings. I got to save up for college in the
18 fall.

19 THE COURT: Mr. Haecke? Those are not
20 valid excuses. Okay? She'll give you your ID. Just a
21 minute, please. Mrs. Zamora? I apologize.

22 PROSPECTIVE JUROR: That's okay.

23 (Excused at 11:07 a.m.)

24 JESSICA MARIE ZAMORA,
25 having been called as a prospective juror and, upon

1 her oath, was examined and testified as follows:

2 VOIR DIRE EXAMINATION

3 BY THE COURT:

4 THE COURT: It's a doctor's excuse, but it
5 doesn't say what this is all about.

6 PROSPECTIVE JUROR: I got upper respiratory
7 infection. I got diagnosed on Sunday. But the low grade
8 fever is a symptom that doesn't seem to be going away.
9 That's the problem.

10 THE COURT: Well, my sense of what to do,
11 Mrs. Zamora, is to have you serve today. You don't have
12 to come back for a couple of weeks, and hopefully, you
13 will be okay by then.

14 PROSPECTIVE JUROR: Well, I guess I can.
15 But I got to take my medication, and it makes me feel
16 drowsy.

17 THE COURT: I understand. If you need to
18 take your medication, take your medication. I think it's
19 going to relief itself in the next week or so.

20 PROSPECTIVE JUROR: Yes.

21 THE COURT: So I'm going to deny it. Get
22 your ID, and then we'll go ahead and deal with it.

23 (Excused at 11:07 a.m.)

24 NORA NELLY ROSALES,
25 having been called as a prospective juror and, upon

1 her oath, was examined and testified as follows:

2 VOIR DIRE EXAMINATION

3 BY THE COURT:

4 THE COURT: Nora Nelly Rosales.

5 (Court calls out next prospective juror in
6 line) Hi. Mrs. Rosales? Tell me about your children.
7 How old are they?

8 PROSPECTIVE JUROR: It's 14, ten and a six
9 year old.

10 THE COURT: And who takes care of them?

11 PROSPECTIVE JUROR: I do have a baby
12 sitter. The only thing is that, she doesn't drive. And
13 the person that might pick them up just -- in case I am
14 here -- she takes care of my grandma. She's 78 years old,
15 and that's during her working hours with her.

16 MR. GILMAN: Are they going to be home for
17 the summer, too?

18 PROSPECTIVE JUROR: Oh, yeah. Oh, no.
19 They're going to be home. I was just telling her because
20 he's ill. He's been ill for the past two days, and I just
21 sent him to school today. Just in case, they would call
22 during the day maybe I would be the one picking him up.
23 Other than that I don't have any other --

24 THE COURT: Sounds to me that you can
25 serve, ma'am.

1 PROSPECTIVE JUROR: No.

2 THE COURT: This is Juror Number 104760.
3 I'm going to deny your request and I will ask you to
4 please serve.

5 PROSPECTIVE JUROR: Okay.

6 THE COURT: And she'll give you your ID.

7 (Excused at 11:08 a.m.)

8 RICARDO IBARRA,
9 having been called as a prospective juror and, upon
10 his oath, was examined and testified as follows:

11 VOIR DIRE EXAMINATION

12 BY THE COURT:

13 THE COURT: Ricardo Ibarra?
14 (Court calls out next prospective juror in line)

15 PROSPECTIVE JUROR: (approaches)

16 THE COURT: Works out of the county on
17 construction.

18 PROSPECTIVE JUROR: I understand. But my
19 wife doesn't work and I've got three kids. and I got three
20 kids. And at \$200 -- by the time I get from Fort Worth
21 over here, it's going to be kind of costly.

22 THE COURT: I understand. But the good
23 thing about it, is, you just have to serve today.

24 PROSPECTIVE JUROR: Okay.

25 THE COURT: -- and then one day in the next

1 two or three weeks.

2 PROSPECTIVE JUROR: And then after that?

3 THE COURT: If you get picked -- you know
4 -- you'll have to come back down.

5 PROSPECTIVE JUROR: I'm just saying --
6 because --

7 THE COURT: You work in Fort Worth.

8 PROSPECTIVE JUROR: No. I work, because
9 I'm a bricklayer. So I go over there and do work because
10 there's no work. So it's \$200 to get back. If miss that
11 day at work --

12 THE COURT: Step back, Mr. Ibarra.

13 **(Discussion on the record at the bench.)**

14 THE COURT: Sounds like he's going to be
15 economically preoccupied. But it's up to y'all.

16 MR. PADILLA: That's the State's position,
17 Judge. We agree.

18 MR. GILMAN: I don't have any objections.

19 **(End of bench conference.)**

20 THE COURT: Step forward, sir. I will go
21 ahead and grant your excuse.

22 PROSPECTIVE JUROR: Thank you, sir.

23 MR. GILMAN: Good luck.
24
25

(Excused at 11:09 a.m.)

GUADALUPE GARCIA,

having been called as a prospective juror and, upon
his oath, was examined and testified as follows:

VOIR DIRE EXAMINATION

BY THE COURT:

THE COURT: Guadalupe Garcia? This is
Juror Number 227564. Hi, Mr. Garcia.

PROSPECTIVE JUROR: How are you doing, sir.

THE COURT: You don't take care of the
children, right?

PROSPECTIVE JUROR: No, sir. My wife does.
But, like I was explaining --

THE COURT: Where do you work.

PROSPECTIVE JUROR: I work for the Texas
Department of State Health Services, and she forgot to
mention that I take care of some meat plants here in
Brownsville. I'm headquartered here in Brownsville. I'm
on the field. And when they process, we have to be there
in order to see their paperwork.

THE COURT: Mr. Garcia? It's work reasons.
Those are not valid reasons.

PROSPECTIVE JUROR: Well, I needed some
time -- you know -- so my boss can have somebody from
another area to come in.

1 THE COURT: I know. And you will have
2 time, but it'll be today which you've already made
3 arrangements for. It'll be one day of the next couple of
4 weeks. And if you're picked, you'll have plenty of
5 advance notice.

6 PROSPECTIVE JUROR: Okay, sir.

7 THE COURT: She'll give you your ID.

8 (Excused at 11:10 a.m.)

9 JUAN CAMPOS,
10 having been called as a prospective juror and, upon
11 HIS oath, was examined and testified as follows:

12 VOIR DIRE EXAMINATION

13 BY THE COURT:

14 THE COURT: Juan Campos?

15 PROSPECTIVE JUROR: Good morning.

16 THE COURT: Hi, Mr. Campos. You're saying
17 that you're against the death penalty because you're a
18 Christian. What faith are you? What religion?

19 PROSPECTIVE JUROR: I am a member of the
20 United Methodist Church from Mission. And I have another
21 reason.

22 THE COURT: I'm listening.

23 PROSPECTIVE JUROR: Mostly, I can speak
24 English, but I have to think a lot of it. And sometimes I
25 fail to understand spoken English. I can write and read

1 English pretty well, but sometimes I don't understand
2 English. I don't know if in a case like this, I can be
3 excused because sometimes I don't understand English.

4 THE COURT: Step back to the star. Further
5 back.

6 **(Discussion on the record at the bench.)**

7 MR. PADILLA: He seems to understand the
8 questions; he seems to comprehend your questions. We
9 would be opposed to him being released. I think he can
10 follow along.

11 MR. GILMAN: I think so.

12 **(End of bench conference.)**

13 THE COURT: Did you see this? Okay,
14 Mr. Campos. You seem to be -- and everybody agrees that
15 you're an intelligent man -- and that you understand
16 enough English.

17 PROSPECTIVE JUROR: In Mexico, I went all
18 the way up to the Masters Degree in philosophy. But here,
19 I'm a laborer. I don't have good English skills.

20 THE COURT: I would rather have somebody
21 with a lot of experience than no experience. So I'm going
22 to ask you to please serve.

23 **(Excused at 11:12 a.m.)**

1 MICHELLE HUBBARD,
2 having been called as a prospective juror and, upon
3 his oath, was examined and testified as follows:

4 VOIR DIRE EXAMINATION

5 BY THE COURT:

6 THE COURT: Michelle Hubbard? (Court calls
7 out next prospective juror in line)

8 PROSPECTIVE JUROR: Good morning.

9 THE COURT: Good morning. How old are your
10 children?

11 PROSPECTIVE JUROR: Eight and ten.

12 THE COURT: Who's taking care of them now?

13 PROSPECTIVE JUROR: They're in school.
14 School is out on Friday. My husband has also been asked
15 to serve. He's sitting back here.

16 THE COURT: How about if we cut a deal?
17 You go talk to your husband; one or the other serves.

18 PROSPECTIVE JUROR: Yes. I'm cutting a
19 deal right now!

20 THE COURT: You're not even giving him a
21 chance!

22 PROSPECTIVE JUROR: I'm also a teacher.
23 I'm going out of school on Friday as well.

24 THE COURT: Well, then, you would be out;
25 you would be available.

1 PROSPECTIVE JUROR: My children would be
2 without care.

3 THE COURT: And what does your husband do?

4 PROSPECTIVE JUROR: He's a hospital
5 administrator.

6 THE COURT: You're putting it up on him.
7 You go talk to your husband. And either you, or he serve.

8 PROSPECTIVE JUROR: I'm making the
9 decision.

10 THE COURT: I've had my wife do that to me
11 many times. You go talk to your husband.

12 PROSPECTIVE JUROR: The decision has
13 already been made.

14 THE COURT: You go talk to him, and come
15 back.

16 Mrs. Brown? Step forward.

17 **LIVIA V. BROWN,**
18 **having been called as a prospective juror and, upon**
19 **her oath, was examined and testified as follows:**

20 **VOIR DIRE EXAMINATION**

21 **BY THE COURT:**

22 THE COURT: (Court calls out next
23 prospective juror in line) Where were you arrested,
24 ma'am.

25 PROSPECTIVE JUROR: It was in Corpus

1 Christi, Texas.

2 THE COURT: In Corpus Christi, Texas.

3 PROSPECTIVE JUROR: Uh-huh. It was dropped
4 because of the probation, but it still shows up as an
5 arrest on my records.

6 THE COURT: You were arrested for what?

7 PROSPECTIVE JUROR: Yes.

8 THE COURT: You served probation?

9 PROSPECTIVE JUROR: Yes.

10 THE COURT: And then it was dismissed?

11 PROSPECTIVE JUROR: But it still shows up
12 as an arrest.

13 THE COURT: Step back.

14 **(Discussion on the record at the bench.)**

15 MR. GILMAN: No objections.

16 THE COURT: Pardon?

17 MR. GILMAN: No objections.

18 MR. PADILLA: I think she was on probation.
19 Was it a felony probation?

20 THE COURT: Either one; it doesn't matter.

21 MR. PADILLA: Yeah.

22 **(End of bench conference.)**

23 THE COURT: Step forward, Mrs. Brown.

24 You're excused. Thank you very much. This is one of the
25 few times a bad thing is a good thing.

(Excused at 11:14 a.m.)

MICHELLE HUBBARD,

having been called as a prospective juror and, upon
her oath, was examined and testified as follows:

VOIR DIRE EXAMINATION

BY THE COURT:

THE COURT: Mrs. Hubbard, step forward.

PROSPECTIVE JUROR: He said he would serve.

MR. GILMAN: You told him: He better
serve, or he doesn't get any dinner.

(Court calls out next prospective juror in
line)

MARIA DEL ROSARIO TORRES,

having been called as a prospective juror and, upon
her oath, was examined and testified as follows:

VOIR DIRE EXAMINATION

BY THE COURT:

THE COURT: Maria Del Rosario Torres. She
now works, takes care of her sons eight and 11. Takes
care of husband, who is ill. What is wrong with your
husband?

PROSPECTIVE JUROR: He suffers from high
blood pressure.

THE COURT: He's not working at all?

PROSPECTIVE JUROR: Yes, he does.

1 THE COURT: So who's taking care of your
2 children?

3 PROSPECTIVE JUROR: I do. Well, they're in
4 school right now.

5 THE COURT: Where are they going to be this
6 summer mer?

7 PROSPECTIVE JUROR: One of them is going to
8 summer school.

9 THE COURT: So you're not going to be able
10 to work?

11 PROSPECTIVE JUROR: Where? I don't work.
12 I'm a housewife.

13 THE COURT: I'm sorry. Step back.

14 **(Discussion on the record at the bench.)**

15 THE COURT: She has children under twelve
16 that she's taking care of.

17 MR. PADILLA: She qualifies to take an
18 exemption.

19 MR. GILMAN: Yeah. She qualifies.

20 **(End of bench conference.)**

21 THE COURT: Mrs. Torres? You're excused.
22 Thank you.

23 PROSPECTIVE JUROR: Thank you.
24
25

(excused at 11:15 a.m.)

JANNETT P. SPEARMAN,

having been called as a prospective juror and, upon
her oath, was examined and testified as follows:

VOIR DIRE EXAMINATION

BY THE COURT:

THE COURT: Jannett Perez Spearman? Okay.
She's a teacher. Has a field trip. You have a field trip
planned for tomorrow?

PROSPECTIVE JUROR: Yes, but I already
found somebody, so give me my badge.

MR. PADILLA: She wants to serve.

THE COURT: We appreciate it.

(Excused at 11:16 a.m.)

ROBERT BROWN,

having been called as a prospective juror and, upon
his oath, was examined and testified as follows:

VOIR DIRE EXAMINATION

BY THE COURT:

THE COURT: Roger Brown? You will be able
to make your appointment tomorrow.

PROSPECTIVE JUROR: Pardon me?

THE COURT: This will be done tomorrow.

PROSPECTIVE JUROR: My wife also has
surgery next month.

1 THE COURT: Okay. Basically, it'll be one
2 day this week, today, and then the next couple of weeks
3 you'll come back for an interview again. And then after
4 that, the Court will start.

5 PROSPECTIVE JUROR: (Nods head in the
6 affirmative).

7 THE COURT: So does that fit with your
8 schedule?

9 PROSPECTIVE JUROR: My wife has got surgery
10 on the 17th, and I have to drive her. She's got the
11 optomology surgery.

12 THE COURT: Optomology surgery? That means
13 she's got an eye surgery.

14 PROSPECTIVE JUROR: Yeah.

15 THE COURT: Mr. Brown, that doesn't sound
16 like a very good --

17 PROSPECTIVE JUROR: I don't know.

18 THE COURT: I'm going to ask you to serve,
19 Mr. Brown. You need to get your badge.

20 (Excused at 11:17 a.m.)

21 MARIA DEL CARMEN BARBOSA,
22 having been called as a prospective juror and, upon
23 her oath, was examined and testified as follows:

24 VOIR DIRE EXAMINATION

25 BY THE COURT:

1 THE COURT: Maria Del Carmen Barbosa? Good
2 morning.

3 PROSPECTIVE JUROR: Yes, sir.

4 THE COURT: You have had misdemeanors?

5 PROSPECTIVE JUROR: Yes, sir. Uh-huh.

6 THE COURT: Fifteen years ago?

7 PROSPECTIVE JUROR: Yes.

8 THE COURT: In Florida?

9 PROSPECTIVE JUROR: Yes, sir.

10 THE COURT: Okay. Please step back.

11 **(Discussion on the record at the bench.)**

12 THE COURT: Misdemeanor theft; shoplifting.
13 I think that's an automatic "gotcha".

14 MR. PADILLA: Yes.

15 MR. GILMAN: Yeah. I can't object.

16 **(End of bench conference.)**

17 THE COURT: Mrs. Barbosa? You're excused.

18 PROSPECTIVE JUROR: Thank you, sir.

19 **(Excused at 11:18 a.m.)**

20 **MANUEL CRUZ, JR.,**
21 **having been called as a prospective juror and, upon**
22 **his oath, was examined and testified as follows:**

23 **VOIR DIRE EXAMINATION**

24 **BY THE COURT:**

25 THE COURT: Manuel Cruz, Jr.

1 (Court calls out next prospective juror in
2 line) Mr. Cruz?

3 PROSPECTIVE JUROR: Yes, sir.

4 THE COURT: You're the chief of police for
5 Rancho Viejo, and you are short staffed. Two persons on
6 duty? Not a good reason, Mr. Cruz.

7 PROSPECTIVE JUROR: Not a problem. I just
8 wanted to let you know.

9 THE COURT: I apologize. You'll be out
10 today. You get an appointment in the next two weeks.

11 MR. GILMAN: I'm going to object. I think
12 that he should be off, Judge, because he's got to protect
13 the citizens of Rancho Viejo, and he's got to stop those
14 speeders out there speeding in their golf carts.

15 THE COURT: Do you concur in that, or do
16 you want to keep him on?

17 MR. PADILLA: I want to keep him on.

18 MR. GILMAN: I tried, I tried.

19 MR. PADILLA: He wants to do his civic
20 duty; he's a good man.

21 THE COURT: Go get your ID.

22 (Excused at 11:19 a.m.)

23 MICHELLE GARZA,
24 having been called as a prospective juror and, upon
25 her oath, was examined and testified as follows:

1 **VOIR DIRE EXAMINATION**

2 **BY THE COURT:**

3 THE COURT: Michelle Garza you're due?
4 Cool! Good luck. God Bless you.

5 PROSPECTIVE JUROR: Thank you.

6 **(Excused at 11:19 a.m.)**

7 THE COURT: I'm sorry. Michelle Garza.
8 Juror Number 148149 is excused for medical reasons. I'm
9 sorry, Mr. Flores. Thank you.

10 **ROXANNE L. SILVA,**
11 **having been called as a prospective juror and, upon**
12 **her oath, was examined and testified as follows:**

13 **VOIR DIRE EXAMINATION**

14 THE COURT: Roxanne? Takes care of her
15 mother and grandfather during the day. Works at night.
16 Her father takes over at night. This is Juror 208134.
17 What does your father do during the day?

18 PROSPECTIVE JUROR: He -- I don't know.
19 He's not like with my mom, but he takes care of my
20 grandpa. I take care of my mom. I had to bring her with
21 me.

22 THE COURT: Is your mother ill?

23 PROSPECTIVE JUROR: She has heart problems,
24 she has diabetes -- she has everything. So I had to bring
25 her with me.

1 THE COURT: I am going to go ahead and
2 grant it. You're excused. Thank you.

3 (Excused at 11:19 a.m.)

4 THE COURT: Jenny De Leon, Jr?

5 (Discussion off the record at the bench.)

6 TOMAS GUAJARDO, JR.,
7 having been called as a prospective juror and, upon
8 his oath, was examined and testified as follows:

9 VOIR DIRE EXAMINATION

10 BY THE COURT:

11 THE COURT: Mr. Guajardo?

12 PROSPECTIVE JUROR: Yes, sir.

13 THE COURT: 167570.

14 PROSPECTIVE JUROR: Yes, sir.

15 THE COURT: You were convicted of a felony
16 DWI?

17 PROSPECTIVE JUROR: Yes, sir.

18 THE COURT: You're excused. Thank you very
19 much.

20 (Excused at 11:20 a.m.)

21 THE COURT: Susan Elizabeth Smith Lingo?
22 Tomas Guajardo is excused.

23 JENNY DE LEON,
24 having been called as a prospective juror and, upon
25 her oath, was examined and testified as follows:

VOIR DIRE EXAMINATION

BY THE COURT:

THE COURT: Jenny De Leon, 197981. Hi.
You had a misdemeanor theft?

PROSPECTIVE JUROR: Yes.

THE COURT: That was deferred about six
years ago?

PROSPECTIVE JUROR: Yes.

THE COURT: And where was this at?

PROSPECTIVE JUROR: In Hidalgo County.

THE COURT: You are excused. She has also
one and a half year old baby.

(excused at 11:20 a.m.)

THE COURT: Susan Elizabeth Smith.

SUSAN E. SMITH,

**having been called as a prospective juror and, upon
her oath, was examined and testified as follows:**

VOIR DIRE EXAMINATION

BY THE COURT:

PROSPECTIVE JUROR: I know that it does not
sound like a good excuse, sir, but it's finals, sir, and I
have people who are -- the years -- and I don't like
'substitutes during finals.

THE COURT: Mrs. Smith, I apologize. My
wife's a teacher --

1 PROSPECTIVE JUROR: But it's finals. It's
2 finals, sir.

3 THE COURT: Get somebody else to do it.
4 You're not indispensable.

5 PROSPECTIVE JUROR: You wouldn't want me
6 any way.

7 THE COURT: Ms. Smith? Hold on. He needs
8 your ID.

9 (Excused at 11:21 a.m.)

10 DENISE BEAUCHEMIN,
11 having been called as a prospective juror and, upon
12 her oath, was examined and testified as follows:

13 VOIR DIRE EXAMINATION

14 BY THE COURT:

15 THE COURT: Denise Beauchemin?

16 PROSPECTIVE JUROR: Am I excused just for
17 today?

18 MR. GILMAN: She'll try again in a week.

19 THE COURT: Has conference on June 14, 15,
20 16. Daughter is moving to Colorado at the end of June.
21 And you're moving her?

22 PROSPECTIVE JUROR: Yeah. My husband and I
23 are moving her.

24 THE COURT: So are you planning to go with
25 her?

1 PROSPECTIVE JUROR: Well, we're going in
2 two vehicles, and I was going to be the relief driver.
3 So --

4 THE COURT: Step back to the star, please.

5 PROSPECTIVE JUROR: Step back to where?

6 THE COURT: Step back to the star.

7 **(Court calls out next prospective juror in**
8 **line)**

9 MR. PADILLA: She's going to be
10 preoccupied, Judge.

11 MR. GILMAN: No objection.

12 MR. PADILLA: No objections.

13 **(End of bench conference.)**

14 THE COURT: Step forward, Ms. Beauchemin.
15 You're excused. Thank you very much. That was Juror
16 297510.

17 **(Excused at 11:22 a.m.)**

18 **CARLOS RODRIGUEZ, JR.,**
19 **having been called as a prospective juror and, upon**
20 **his oath, was examined and testified as follows:**

21 **VOIR DIRE EXAMINATION**

22 **BY THE COURT:**

23 THE COURT: Carlos Rodriguez, Jr. Hi.

24 (Reads document) You're excused.

25 Carlos Rodriguez, Jr. Juror Number 852337.

1 One of the children of Melissa Elizabeth Lucio is his
2 foster child.

3 MR. GILMAN: That's the last one.

4 THE COURT: Yes.

5 MR. PADILLA: Any opposition to that?

6 MR. GILMAN: No.

7 (Excused at 11:22 a.m.)

8 MIRIAM A. LEIJA,
9 having been called as a prospective juror and, upon
10 her oath, was examined and testified as follows:

11 VOIR DIRE EXAMINATION

12 BY THE COURT:

13 THE COURT: Miriam Arlette Leija. Juror
14 Number 170189. You have a three year old and a six year
15 old. Who picks them up from school and takes them to day
16 care.

17 PROSPECTIVE JUROR: I work for a living.

18 THE COURT: So what do you for a living?

19 PROSPECTIVE JUROR: I work for Doctor Tera
20 Rios.

21 THE COURT: Tera Rios is very civic-minded
22 individual, and I am sure she would let you go ahead and
23 let you serve.

24 PROSPECTIVE JUROR: And my kids? I go for
25 them, and everything.

1 THE COURT: Who else takes care of them?

2 PROSPECTIVE JUROR: My husband works.

3 THE COURT: Well, so do you.

4 PROSPECTIVE JUROR: Mrs. Rios lets me out
5 to go for my kids.

6 THE COURT: And who takes care of them?

7 PROSPECTIVE JUROR: Oh, I take them to the
8 day care.

9 THE COURT: How far is the day care?

10 PROSPECTIVE JUROR: It is right there in
11 the Apple Tree -- where PUB is.

12 THE COURT: Step back to the star. I will
13 be with you in a moment.

14 **(Discussion on the record at the bench.)**

15 THE COURT: She's the only one that
16 provides transportation.

17 MR. PADILLA: The State has no opposition.

18 MR. GILMAN: She can serve, Judge. The
19 kids are going to be in the day care during the
20 summertime; the kids aren't going to summer school. She
21 didn't say that.

22 THE COURT: You're right.

23 MR. GILMAN: School is out this week.

24 MR. PADILLA: She'll be out.

25 **(End of bench conference.)**

1 THE COURT: Mrs. Leija? The kids are going
2 to be out of school this week. Right?

3 PROSPECTIVE JUROR: Uh-huh.

4 THE COURT: Then you're going to have to
5 put them in day care any way once you start?

6 PROSPECTIVE JUROR: Yeah.

7 THE COURT: So you'll be taking them to day
8 care in the morning and then picking up later in the
9 afternoon after you go.

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: So, it's the same thing. I'm
12 going to deny your request, and ask you to please serve.

13 (Excused at 11:24 a.m.)

14 GERARDO LUCIO,

15 having been called as a prospective juror and, upon
16 his oath, was examined and testified as follows:

17 VOIR DIRE EXAMINATION

18 BY THE COURT:

19 THE COURT: Mr. Lucio? Enrolled for
20 summer, I and II. Are you a full-time student, sir?

21 PROSPECTIVE JUROR: Yes, sir.

22 THE COURT: Where are you going for
23 vacation this summer?

24 PROSPECTIVE JUROR: At the university.
25 Yeah. That's my vacation.

1 THE COURT: And you're a full-time student.

2 PROSPECTIVE JUROR: Yes.

3 THE COURT: Mr. Lucio, you're excused.

4 (excused at 11:25 a.m.)

5 THE COURT: Nancy Ramirez?

6 (Court calls out next prospective juror in
7 line)

8 THE COURT: Hi, Mrs. Ramirez. Juror Number
9 185451. We would like -- okay. So you take care of three
10 children 6, 9, and 13.

11 PROSPECTIVE JUROR: Uh-huh.

12 THE COURT: And she has nobody else to --

13 PROSPECTIVE JUROR: My mom has a heart
14 condition, and is not able to take care of them. So I get
15 them, when I get out of school.

16 THE COURT: What are going to do during the
17 summer?

18 PROSPECTIVE JUROR: In the summer?

19 THE COURT: Yeah.

20 PROSPECTIVE JUROR: Well, I don't work.

21 THE COURT: What is she going to do?

22 PROSPECTIVE JUROR: Well, I don't know.

23 THE COURT: Who is going to take of the
24 kids.

25 PROSPECTIVE JUROR: Me. I don't do

1 anything. I stopped working in February.

2 THE COURT: So when you were working, who
3 were taking care of the kids?

4 PROSPECTIVE JUROR: My mom was able to
5 watch them for a little bit. But right now, they're doing
6 the stress test on her heart right now.

7 THE COURT: Mrs. Ramirez, you don't work?

8 PROSPECTIVE JUROR: No.

9 THE COURT: You take care of the kids?

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: But when you weren't taking
12 care of the kids, your sister had somebody else, and
13 they're not your children?

14 PROSPECTIVE JUROR: Yeah, I know. But she
15 asked for my help. That's why.

16 THE COURT: Mrs. Ramirez, I'm going to ask
17 you that you please serve. Okay? Thank you very much.
18 She will give you your ID.

19 **(Excused at 10:03 a.m.)**

20 THE COURT: Alicia Johnson?

21 (Court calls out next prospective juror in
22 line)

23 PROSPECTIVE JUROR: Yes?

24 THE COURT: You're going to be care takers
25 for your in-laws in June and July?

1 PROSPECTIVE JUROR: Yes, sir.

2 THE COURT: Where do your in-laws live?

3 PROSPECTIVE JUROR: They live in Harlingen,
4 but we're going to be in Minnesota. They have help here,
5 but they don't in Minnesota. So I'll be going up to
6 Minnesota to take care of them there.

7 THE COURT: You're going to Minnesota?

8 PROSPECTIVE JUROR: To take care of them.

9 THE COURT: The travel plans have already
10 been done for awhile?

11 PROSPECTIVE JUROR: Yes, sir.

12 THE COURT: How long have you had these
13 travel plans?

14 PROSPECTIVE JUROR: Three months.

15 THE COURT: You're excused.

16 **(Excused at 11:26 a.m.)**

17 PROSPECTIVE JUROR: Thank you very much.

18 THE COURT: Christina Garcia?

19 (Court calls out next prospective juror in
20 line)

21 **CHRISTINA GARCIA,**

22 **having been called as a prospective juror and, upon**
23 **her oath, was examined and testified as follows:**

24 **VOIR DIRE EXAMINATION**

25 **BY THE COURT:**

1 THE COURT: Christina Garcia? Juror Number
2 number 874799. Student at UTB. How long have you been a
3 student at UTB?

4 PROSPECTIVE JUROR: I need one more year.
5 It's been it's about two.

6 THE COURT: So, where are you going this
7 summer for vacation?

8 PROSPECTIVE JUROR: Nowhere. Just UTB.

9 THE COURT: It's a trick question.
10 Sometimes it work; sometimes it doesn't. You're excused.

11 (Excused at 11:26 a.m.)

12 EDITH LEDESMA,
13 having been called as a prospective juror and, upon
14 his oath, was examined and testified as follows:

15 VOIR DIRE EXAMINATION

16 BY THE COURT:

17 THE COURT: Edith Ledesma?

18 PROSPECTIVE JUROR: Good morning.

19 THE COURT: Hi. You have a four year old
20 daughter who is ill and needs to take medication.

21 PROSPECTIVE JUROR: Yes. I just took her
22 to the doctor yesterday, and they brought the pharmacy --
23 the prescriptions and medications, and needs the nebulizer
24 treatments around the clock.

25 THE COURT: Who takes care of your

1 children?

2 PROSPECTIVE JUROR: I don't work during the
3 week. And when I do work, she does go to sick. But when
4 she's sick, I won't work.

5 THE COURT: Where do you work at?

6 PROSPECTIVE JUROR: I do home health. I'm
7 a nurse.

8 THE COURT: Okay. You're excused. Take
9 care. Bye.

10 **(Excused at 11:27 a.m.)**

11 THE COURT: Madeline Luaces?

12 **MADELINE LUACES,**
13 **having been called as a prospective juror and, upon**
14 **her oath, was examined and testified as follows:**

15 **VOIR DIRE EXAMINATION**

16 **BY THE COURT:**

17 THE COURT: Madeline L-U-A-C-E-S. How do
18 you pronounce it?

19 PROSPECTIVE JUROR: Luaces.

20 THE COURT: Luaces? Juror Number 286453.
21 Children, eight, 12, 13, and 14 and 17. Works part time
22 in school. Takes them to school.

23 PROSPECTIVE JUROR: Yes, sir. And now
24 they're out of school, and I stay out with them during the
25 summer.

1 THE COURT: So who takes care of them when
2 you're not able to?

3 PROSPECTIVE JUROR: They're at school. I
4 teach dance and I go to school for about an hour. I set
5 my hours, and then I get out to go pick them up and go for
6 them home after school.

7 THE COURT: Step back, ma'am. I will be
8 right with you in just a minute.

9 **(Discussion on the record at the bench.)**

10 MR. GILMAN: She's got a 17 year old.

11 THE COURT: I understand. She's got
12 children under eight.

13 MR. GILMAN: One child under eight.

14 MR. PADILLA: You want to bother this lady
15 that has four or five kids?

16 THE COURT: You're leaving four kids by
17 themselves? Yeah, I see your point.

18 **(End of bench conference.)**

19 THE COURT: Step forward. You have a child
20 that is 17.

21 PROSPECTIVE JUROR: Yes. And he's going to
22 work and go to college. I'm the one that takes of them --
23 that stays at home with them during the summer.

24 THE COURT: Okay. You're excused. Take
25 care. Thank you.

1 PROSPECTIVE JUROR: Thank you.

2 (Excused at 10:03 a.m.)

3 THE COURT: Agustin Gonzalez?

4 (Court calls out next prospective juror in
5 line)

6 AGUSTIN GONZALEZ,

7 having been called as a prospective juror and, upon
8 his oath, was examined and testified as follows:

9 VOIR DIRE EXAMINATION

10 BY THE COURT:

11 THE COURT: You got three DWIs. One was a
12 felony, or was it a misdemeanor, or felonies?

13 PROSPECTIVE JUROR: Misdemeanor. That's
14 all.

15 THE COURT: That doesn't mean that you
16 can't serve.

17 PROSPECTIVE JUROR: It's up to you, sir. I
18 had to put it down.

19 THE COURT: Yes, sir -- and I appreciate
20 it. I think I'm going to let you serve.

21 (Excused at 11:29 a.m.)

22 THE COURT: Mr. Diaz?

23 GILBERTO DIAZ, JR.,

24 having been called as a prospective juror and, upon
25 his oath, was examined and testified as follows:

VOIR DIRE EXAMINATION

BY THE COURT:

THE COURT: You worked at the Brownsville Hospital. Anesthesia.

PROSPECTIVE JUROR: Yeah.

THE COURT: I don't excuse doctors, sir.

PROSPECTIVE JUROR: I'm not a doctor. I work as an anesthesia tech.

THE COURT: I know. But if I don't excuse doctors --

PROSPECTIVE JUROR: That's fine.

THE COURT: Okay. Get your ID over here, sir.

(Excused at 11:29 a.m.)

THE COURT: Rosalinda De La Cruz?

(Court calls out next prospective juror in line)

ROSA LINDA DE LA CRUZ,

having been called as a prospective juror and, upon her oath, was examined and testified as follows:

VOIR DIRE EXAMINATION

BY THE COURT:

THE COURT: Where are you going to school?

PROSPECTIVE JUROR: TSTC.

THE COURT: Are you going on vacation this

1 summer?

2 PROSPECTIVE JUROR: Nowhere; school.

3 THE COURT: Everybody must be listening to
4 me. Are you a full-time student, or part time?

5 PROSPECTIVE JUROR: Part time. I'm going
6 to have class starting in June, and it starts at 1:00 and
7 end at 2:00.

8 THE COURT: The exemption is only for
9 full-time, and not for part-time. So you don't get an
10 exemption.

11 PROSPECTIVE JUROR: I don't?

12 THE COURT: No, ma'am. Not if you're a
13 part-time student. I'm going to ask you to please serve.

14 (Excused at 11:30 a.m.)

15 DIANE L. RODRIGUEZ,
16 having been called as a prospective juror and, upon
17 her oath, was examined and testified as follows:

18 VOIR DIRE EXAMINATION

19 BY THE COURT:

20 THE COURT: Diane Luis Rodriguez.

21 (Court calls out next prospective juror in
22 line)

23 THE COURT: Good morning. How are you?
24 How old is your child?

25 PROSPECTIVE JUROR: She's seven, sir.

1 THE COURT: Who's taking care of her right
2 now?

3 PROSPECTIVE JUROR: Well, she's in school
4 right now.

5 THE COURT: So where do you work?

6 PROSPECTIVE JUROR: I don't work, sir. I'm
7 a housewife.

8 MR. PADILLA: That's a lot of work.

9 PROSPECTIVE JUROR: Well, I have to wash
10 and clean the house.

11 THE COURT: I understand, Mrs. Rodriguez.
12 I understand. But the question is if you're not taking
13 care of your child, who's caring for your child?

14 PROSPECTIVE JUROR: Right now?

15 THE COURT: Yeah, right now.

16 PROSPECTIVE JUROR: Well, right now she's
17 in school.

18 THE COURT: And if you're not able to get
19 her back till 3:30 or 4:00, who is going to pick them up?

20 PROSPECTIVE JUROR: Well, I have to look
21 for somebody to go pick her up. I don't know.

22 THE COURT: You don't know?

23 PROSPECTIVE JUROR: Well, my husband works
24 at Amfields in the morning. And my sister, she was a
25 dispatcher here in the police department so she works in

1 the morning. My mom works in the morning, too. She's --
2 one of those people that takes care of older people.

3 THE COURT: You're excused.

4 PROSPECTIVE JUROR: Thank you very much,
5 sir.

6 (Excused at 11:32 a.m.)

7 MARIA DEL CARMEN WHITTEMORE,
8 having been called as a prospective juror and, upon
9 her oath, was examined and testified as follows:

10 VOIR DIRE EXAMINATION

11 THE COURT: Who's taking of your mother
12 now?

13 PROSPECTIVE JUROR: She's by herself right
14 now. But they kind of pick her up for lunch from the
15 senior citizen center.

16 THE COURT: Okay. Can't she take care of
17 herself enough?

18 PROSPECTIVE JUROR: I cook all of her
19 meals, I clean, I make sure she takes her medicine -- and
20 all of that kind of stuff. I can serve, but I can't be
21 away at night.

22 THE COURT: No. You don't have to be away
23 at night.

24 PROSPECTIVE JUROR: There's not going to
25 any sequestering?

1 THE COURT: No. There probably will not
2 be. This is Juror Number 83728. She'll give you your ID.

3 (Excused at 11:33 a.m.)

4 THE COURT: Maria Del Carmen Whittemore,
5 Juror No. 824838, is excused for medical reasons.

6 DEBRA ANN SALDANA,
7 having been called as a prospective juror and, upon
8 her oath, was examined and testified as follows:

9 VOIR DIRE EXAMINATION

10 BY THE COURT:

11 THE COURT: Debra Ann Saldana Juror Number
12 753968 is a teacher ---

13 PROSPECTIVE JUROR: I'm a counselor.

14 THE COURT: A counselor?

15 PROSPECTIVE JUROR: Yes, sir.

16 THE COURT: Has children who are with the
17 baby sitter?

18 PROSPECTIVE JUROR: One of them is.

19 THE COURT: You work?

20 PROSPECTIVE JUROR: Yes.

21 THE COURT: But you can serve.

22 PROSPECTIVE JUROR: (shrugs shoulders)

23 Okay. My husband's a lawyer also.

24 THE COURT: You can serve.

25 (Excused at 11:34 a.m.)

1 THE COURT: Roberta Ann Morgan?

2 (Court calls out next prospective juror in line)

3 ROBERTA ANN MORGAN,

4 having been called as a prospective juror and, upon
5 her oath, was examined and testified as follows:

6 VOIR DIRE EXAMINATION

7 BY THE COURT:

8 THE COURT: What custody of children do you
9 have, ma'am?

10 PROSPECTIVE JUROR: I have custody of my
11 two grandsons. Ages four and seven.

12 THE COURT: Anybody else that can take care
13 of them?

14 PROSPECTIVE JUROR: My girlfriend, and
15 she's going on vacation June 11 through the 18th and I've
16 taken time off to stay with them.

17 THE COURT: And where do you work at?

18 PROSPECTIVE JUROR: I work at USDA in
19 Harlingen.

20 THE COURT: And who takes care of them
21 during the day?

22 PROSPECTIVE JUROR: She does, my
23 girlfriend, who's going to be gone.

24 THE COURT: In two weeks? We will not go
25 to trial until after that. What is going to be required

1 today is --

2 PROSPECTIVE JUROR: Uh-huh.

3 THE COURT: -- the next two weeks, is going
4 to be appointments --

5 PROSPECTIVE JUROR: Uh-huh.

6 THE COURT: -- individual voir dire, and
7 then the trial will start after that.

8 PROSPECTIVE JUROR: Okay. And I have
9 someone to take care of them other than that.

10 THE COURT: They'll give you your ID.
11 Thank you very much.

12 PROSPECTIVE JUROR: That's fine.

13 (Excused at 11:34 a.m.)

14 BERTHA CAMPOS,

15 having been called as a prospective juror and, upon
16 her oath, was examined and testified as follows:

17 VOIR DIRE EXAMINATION

18 BY THE COURT:

19 THE COURT: Mrs. Campos? Who takes care of
20 the grandchildren when your daughter is in Corpus Christi?

21 PROSPECTIVE JUROR: No; she's in college.

22 She's a teacher. She and her husband have been
23 transferred to Houston, and he's already over there, and I
24 volunteered to take the kids until the middle of June.

25 I've had them all month --

1 THE COURT: Who's taking care of them right
2 now?

3 PROSPECTIVE JUROR: My husband is at the
4 park right now, and they're driving him nuts.

5 THE COURT: That's good, that's good.

6 PROSPECTIVE JUROR: He can take care of
7 them.

8 THE COURT: I'm a grandfather, and I take
9 care of kids. The only time that is tricky is when my
10 daughter has to go to the restroom. That's the only time
11 that it gets tricky.

12 PROSPECTIVE JUROR: And the three year old
13 is getting potty trained!

14 THE COURT: It happens to everybody.

15 PROSPECTIVE JUROR: I know. But I was
16 actually looking forward to this -- until this happened.

17 THE COURT: Mrs. Campos, it will be today.
18 And then the next two weeks you will have to come to an
19 appointment for 45 minutes to an hour and a half, and the
20 trial will not start until after that.

21 PROSPECTIVE JUROR: Oh, okay.

22 THE COURT: She'll give you your ID.

23 **(Excused at 11:35 a.m.)**

24 THE COURT: Mr. Bressler?

25 PROSPECTIVE JUROR: Yes, sir.

1 THE COURT: (Court calls out next
2 prospective juror in line)

3 JOSEPH J. BRESSLER,
4 having been called as a prospective juror and, upon
5 his oath, was examined and testified as follows:

6 VOIR DIRE EXAMINATION

7 BY THE COURT:

8 THE COURT: Mr. Bressler has already served
9 on a capital murder case before, and does not want to
10 serve on another one.

11 MR. GILMAN: He's a professional juror.

12 PROSPECTIVE JUROR: Your Honor, I couldn't
13 handle it. I really couldn't. I don't mine being a
14 juror. But -- Mr. Padilla? Mr. Gilman? I couldn't
15 handle it.

16 MR. GILMAN: I don't have any objections to
17 him being excused.

18 MR. PADILLA: I don't have any objections.

19 THE COURT: You're excused.

20 (Excused at 11:36 a.m.)

21 PROSPECTIVE JUROR: Thank you, Your Honor.

22 THE COURT: Nice seeing you again.

23 Elvia Flores?
24
25

1 ELVIA FLORES,
2 having been called as a prospective juror and, upon
3 her oath, was examined and testified as follows:

4 VOIR DIRE EXAMINATION

5 BY THE COURT:

6 PROSPECTIVE JUROR: Good morning.

7 THE COURT: Hi. You have scheduled trips
8 planned, and you have ticket confirmation.

9 PROSPECTIVE JUROR: Yes.

10 THE COURT: Where are you going?

11 PROSPECTIVE JUROR: To Vegas.

12 THE COURT: To Las Vegas?

13 PROSPECTIVE JUROR: Yes.

14 THE COURT: When?

15 PROSPECTIVE JUROR: And I have to go on
16 June 8 to June 22, we come back.

17 THE COURT: June 8? What are you going,
18 for, for business or pleasure?

19 PROSPECTIVE JUROR: Pleasure. I have
20 vacations with my family.

21 THE COURT: You already have your tickets?

22 PROSPECTIVE JUROR: Yes. I have them here.

23 THE COURT: All right. You are excused.

24 (Excused at 11:36 a.m..)

25 THE COURT: Deborah Jean Izeta?

1 DEBORAH J. IZETA,
2 having been called as a prospective juror and, upon
3 her oath, was examined and testified as follows:

4 **VOIR DIRE EXAMINATION**

5 **BY THE COURT:**

6 THE COURT: She's a school teacher at
7 Benavidez Elementary. Award ceremony for students. Nine
8 a.m. to 11:30 a.m.

9 PROSPECTIVE JUROR: You can take that one
10 off because it's 11:30.

11 THE COURT: You missed it.

12 PROSPECTIVE JUROR: But actually the rest
13 on there, I had accepted a position for summer school, and
14 that starts next week already, and through July 3. And if
15 I don't work, I don't get paid, and I could possibly not
16 get hired again also. That's what my concern is.

17 THE COURT: Mrs. Izeta, step back please to
18 the star. I will be right with you.

19 **(Discussion on the record at the bench.)**

20 MR. PADILLA: I have no objection.

21 MR. GILMAN: No objections.

22 **(End of bench conference.)**

23 THE COURT: Mrs. Izeta, step forward. You
24 are excused.

25 PROSPECTIVE JUROR: Okay. Thank you.

1 (Excused at 11:37 a.m.)

2 CARMEN SILVA,

3 having been called as a prospective juror and, upon
4 her oath, was examined and testified as follows:

5 VOIR DIRE EXAMINATION

6 BY THE COURT:

7 THE COURT: Carmen Silva?

8 PROSPECTIVE JUROR: Good morning.

9 THE COURT: Where is your daughter right
10 now?

11 PROSPECTIVE JUROR: It's my son. With my
12 sister.

13 THE COURT: I'm sorry. He's your son? I
14 apologize. With your sister?

15 PROSPECTIVE JUROR: Yes. But she had to
16 get to work at 3:00.

17 THE COURT: I'm sorry?

18 PROSPECTIVE JUROR: At 3:00 she had to go
19 back to work and then I have to pick up her kids, and my
20 kids. She still has --

21 THE COURT: She has a five year old, and
22 nobody else can take care of them?

23 PROSPECTIVE JUROR: No. It is just me and
24 my sister, and our husbands. My husband works until 5:00.

25 THE COURT: You're excused.

1 PROSPECTIVE JUROR: Thank you.

2 (Excused at 11:38 a.m.)

3 (Court calls out next prospective juror in
4 line)

5 RUBY ANN BERLANGA,
6 having been called as a prospective juror and, upon
7 her oath, was examined and testified as follows:

8 VOIR DIRE EXAMINATION

9 BY THE COURT:

10 THE COURT: Ruby Berlanga. Step forward.
11 2920987. Hi, Mrs. Berlanga. You have three boys. Four,
12 11, 13. You need to pick up kids by 4:30. He's a single
13 parent. Gas price would be a problem. Gas price is
14 always a problem.

15 PROSPECTIVE JUROR: Yeah. And I'm coming
16 from Harlingen.

17 THE COURT: Where do you work?

18 PROSPECTIVE JUROR: At BFI.

19 THE COURT: At BFI? SO you're out of work
20 today?

21 PROSPECTIVE JUROR: Uh-huh.

22 THE COURT: What are your hours?

23 PROSPECTIVE JUROR: Right now my schedule
24 is like from 7:30 to 4:00.

25 THE COURT: What are you going to do during

1 the summer? Who's going to take care of them?

2 PROSPECTIVE JUROR: I'm going to try to
3 find programs and stuff so they can do something while I'm
4 at work.

5 THE COURT: You're going to have to do that
6 regardless?

7 PROSPECTIVE JUROR: Yeah.

8 THE COURT: You can do that while you're
9 serving whether you're here or there?

10 PROSPECTIVE JUROR: Yeah, but 4:30 is the
11 latest for my child for daycare. After that I have to pay
12 her a dollar a minute.

13 THE COURT: Step back.

14 **(Discussion on the record at the bench.)**

15 MR. PADILLA: The State has no opposition
16 to her being released, Your Honor.

17 MR. GILMAN: You object?

18 MR. PADILLA: I agree she can leave.

19 MR. GILMAN: Okay.

20 **(End of bench conference.)**

21 THE COURT: You may go. Thank you very
22 much.

23 **(Excused at 11:39 a.m.)**

24 THE COURT: Maria Elena Ramirez?

25

1 **MARIA ELENA RAMIREZ,**
2 **having been called as a prospective juror and, upon**
3 **her oath, was examined and testified as follows:**

4 **VOIR DIRE EXAMINATION**

5 **BY THE COURT:**

6 THE COURT: I'm sorry. Just because you're
7 a teacher --

8 PROSPECTIVE JUROR: It's the end of the
9 year, and it's very crucial for me to be there.

10 THE COURT: I understand, ma'am. But this
11 is important.

12 PROSPECTIVE JUROR: Like today were the
13 certificates.

14 THE COURT: I understand.

15 PROSPECTIVE JUROR: And all of the
16 inventory, and the PLC'S --

17 THE COURT: I know, but you're here today
18 and you don't have to come back in another two weeks.

19 PROSPECTIVE JUROR: Okay. I also applied
20 for summer school -- teaching summer school.

21 THE COURT: They already know who's
22 teaching and who's not.

23 PROSPECTIVE JUROR: Well, they told me they
24 might call me by the end of the week because I know I will
25 not get the job --

1 THE COURT: If you got summer school, we'll
2 release you. If you don't have summer school, we're not
3 going to. But I'm going to want it confirmed.

4 PROSPECTIVE JUROR: Yes. I understand.

5 THE COURT: My wife's a teacher. My
6 daughter's a teacher.

7 PROSPECTIVE JUROR: Uh-huh.

8 THE COURT: So everybody knows who teaches.

9 PROSPECTIVE JUROR: Yes. But they may call
10 us from a different campus.

11 THE COURT: I don't think it's going to
12 happen.

13 PROSPECTIVE JUROR: Hopefully.

14 THE COURT: I understand. But -- good job.
15 Get your card.

16 (Excused at 11:40 a.m.)

17 VIRGINIA J. ATHEY,
18 having been called as a prospective juror and, upon
19 her oath, was examined and testified as follows:

20 VOIR DIRE EXAMINATION

21 BY THE COURT:

22 THE COURT: Virginia J. Athey?

23 PROSPECTIVE JUROR: Athey.

24 THE COURT: Athey? I apologize.

25 PROSPECTIVE JUROR: That's okay. No

1 problem, sir.

2 THE COURT: "Started substituting late
3 March. Early April. From Pre-K. Tomorrow is last day in
4 school." You'll be there tomorrow.

5 PROSPECTIVE JUROR: Yes, but then I start
6 summer school. I am a sub, and I only get paid when I'm
7 there. I'm hoping to be hired by the district.

8 THE COURT: Yeah. If you get picked to
9 teach summer school, we'll release you. If you don't get
10 picked for summer school, we will not release you. I will
11 deny it at this time, Ms. Athey. Get your I.D, and you'll
12 will be there tomorrow.

13 Roland Larry Cadena?

14 (Court calls out next prospective juror in
15 line)

16 **ROLAND L. CADENA,**
17 **having been called as a prospective juror and, upon**
18 **his oath, was examined and testified as follows:**

19 **VOIR DIRE EXAMINATION**

20 **BY THE COURT:**

21 THE COURT: Mr. Cadena, just because you're
22 self-employed doesn't mean --

23 PROSPECTIVE JUROR: No, no. I understand
24 that, sir. But my director quit, and I'm the one running
25 the business also, I heard you say that if I have a

1 conviction --

2 THE COURT: Yes, sir?

3 PROSPECTIVE JUROR: I have a deferred.

4 THE COURT: For what?

5 PROSPECTIVE JUROR: For aggravated assault
6 with a deadly weapon.

7 THE COURT: Okay. Then you're excused.

8 (Excused at 11:41 a.m.)

9 THE COURT: Eric Estrada?

10 (Court calls out next prospective juror in
11 line)

12 ERIC ESTRADA,
13 having been called as a prospective juror and, upon
14 his oath, was examined and testified as follows:

15 VOIR DIRE EXAMINATION

16 BY THE COURT:

17 THE COURT: Mr. Estrada?

18 PROSPECTIVE JUROR: How are you doing?

19 THE COURT: Family provider. I wish I
20 could do it, but I'm telling you, that's not an excuse,
21 sir.

22 PROSPECTIVE JUROR: But on the
23 questionnaire, too, I didn't answer it because I lost it.
24 But deferred adjudication doesn't count --

25 THE COURT: For what?

1 PROSPECTIVE JUROR: For possession of
2 cocaine.

3 THE COURT: Okay. You are excused.

4 (Excused at 11:42 a.m.)

5 (Court calls out next prospective juror in
6 line)

7 LETICIA REYNA,
8 having been called as a prospective juror and, upon
9 her oath, was examined and testified as follows:

10 VOIR DIRE EXAMINATION

11 BY THE COURT:

12 PROSPECTIVE JUROR: Good morning.

13 THE COURT: I'm sorry, but --

14 PROSPECTIVE JUROR: I'm a kindergarten
15 teacher.

16 THE COURT: Yes, ma'am? You'll be there
17 tomorrow, but you won't be there today. Okay?

18 PROSPECTIVE JUROR: Right.

19 THE COURT: I'm denying it. I'm going to
20 to ask you to teach -- I mean, to serve.

21 PROSPECTIVE JUROR: To serve? Okay.

22 (Excused at 11:42 a.m.)

23

24

25

1 BOB MAYFIELD,
2 having been called as a prospective juror and, upon
3 his oath, was examined and testified as follows:

4 VOIR DIRE EXAMINATION

5 BY THE COURT:

6 THE COURT: Bobby Mayfield? Eight year
7 old. Trip that is planned. Child is planning to stay
8 with you for a month.

9 PROSPECTIVE JUROR: Yes, sir.

10 THE COURT: Who's coming to take care of
11 your kids?

12 PROSPECTIVE JUROR: Either my 16 year old
13 daughter when she gets out from Fort Worth.

14 THE COURT: Basically, Mr. Mayfield, it's
15 today --

16 PROSPECTIVE JUROR: Yes.

17 THE COURT: -- and then the next two weeks
18 it'll be about a 45 minute to an hour of appointment --

19 PROSPECTIVE JUROR: Okay.

20 THE COURT: -- and then later on if you're
21 picked, it will be sometime later on during the month.

22 PROSPECTIVE JUROR: Okay.

23 THE COURT: Can you serve?

24 PROSPECTIVE JUROR: I'll sure try, Your
25 Honor.

1 THE COURT: We need for you to try.

2 (Excused at 11:43 a.m.)

3 Veronica Martinez.

4 (Court calls out next prospective juror in line)

5 VERONICA MARTINEZ,

6 having been called as a prospective juror and, upon
7 her oath, was examined and testified as follows:

8 VOIR DIRE EXAMINATION

9 BY THE COURT:

10 THE COURT: Has a five year old. Picks her
11 up at 3:00, takes her to work with her. Where do you
12 work, ma'am?

13 PROSPECTIVE JUROR: Imelda's Day Care.

14 THE COURT: Where?

15 PROSPECTIVE JUROR: Imelda's Day Care.

16 THE COURT: So when you're working during
17 the day, who takes care of your child?

18 PROSPECTIVE JUROR: They put another girl
19 there.

20 THE COURT: So, why can't you serve, ma'am?

21 PROSPECTIVE JUROR: I'm a Jehovah's
22 witness; religion.

23 THE COURT: How long have you been a
24 Jehovah's witness?

25 PROSPECTIVE JUROR: Since 1986.

1 THE COURT: And what is it about being a
2 Jehovah's witness that makes you unable to serve?

3 PROSPECTIVE JUROR: We -- we can't
4 participate on juries; we can't judge persons.

5 THE COURT: All right. You may be excused.

6 (Excused at 11:44 a.m.)

7 THE COURT: Dominga Salazar?

8 DOMINGA SALAZAR,

9 having been called as a prospective juror and, upon
10 her oath, was examined and testified as follows:

11 VOIR DIRE EXAMINATION

12 BY THE COURT:

13 (Court calls out next prospective juror in
14 line)

15 PROSPECTIVE JUROR: I'm Dominga Salazar.
16 Juror Number 754081.

17 MR. GILMAN: I understand. I am coming.

18 THE COURT: (to the reporter) I'm sorry.
19 She's a Jehovah's witness, and she is excused.

20 (Excused at 11:44 a.m.)

21 THE COURT: Victoria Martinez?

22 Mrs. Hall. Please step forward. Takes
23 care of grandchildren, with daughter --

24 PROSPECTIVE JUROR: I live in Harlingen
25 with my daughter. She's 19 and her six month old

1 daughter. And she just returned to school full-time at
2 TSTC. We share one vehicle, and I work as office manager
3 for my brother and my brothers -- building businesses, so
4 it allows me take my granddaughter to the office. It's my
5 a family business. I'm her caregiver during the day.

6 THE COURT: Who else takes care of my day.

7 PROSPECTIVE JUROR: My daughter, and me.
8 It's the three of us living together. And that's --

9 THE COURT: Step back to the star please.

10 PROSPECTIVE JUROR: All right.

11 **(Discussion on the record at the bench.)**

12 THE COURT: Sounds, technically, she's a
13 caregiver for a child under age.

14 MR. GILMAN: I have no objections.

15 MR. PADILLA: I have no objections.

16 **(End of bench conference.)**

17 THE COURT: Step forward, Mrs. Hall.
18 You're excused thank you very much.

19 PROSPECTIVE JUROR: Thank you.

20 **(Excused at 11:45 a.m.)**

21 THE COURT: Veronica Martinez, where are
22 you?

23

24

25

1 of her from 8:00 to 10:00. I will go pick her up at
2 10:00, take her with me to work from 10:00 to 12:00, break
3 for lunch, and then take her to the summer program.

4 MR. GILMAN: Can your niece take care of
5 her from 8:00 to 12:00?

6 PROSPECTIVE JUROR: She's a cheerleader;
7 she's in the summer cheerleading. She's the only one who
8 helps me because I'm a single parent. I have two kids.

9 THE COURT: I'll will allow it.

10 MR. GILMAN: How old is the other child?

11 PROSPECTIVE JUROR: He's 11. He just
12 turned 11.

13 MR. GILMAN: I don't have any objections.

14 THE COURT: I'm going to go ahead and grant
15 it, Mrs. Martinez. You're excused.

16 (Excused at 11:47 a.m.)

17 (Court calls out next prospective juror in
18 line)

19 GUADALUPE ARREDONDO,
20 having been called as a prospective juror and, upon
21 his oath, was examined and testified as follows:

22 VOIR DIRE EXAMINATION

23 BY THE COURT:

24 PROSPECTIVE JUROR: Hi.

25 THE COURT: Hi, how are you. She does not

1 have a valid driver's license. Husband brought her along
2 with two grandchildren.

3 PROSPECTIVE JUROR: Uh-huh. I mean unless
4 - because I don't have a driver's license, it was revoked
5 because I didn't pay a fee. So my husband would have to
6 bring me, and he's working. Right now he missed work to
7 bring me over here.

8 THE COURT: I will go ahead and grant it
9 ma'am. You're excused.

10 (Excused at 11:48 a.m.)

11 CHARLES A. WUENSCHKE,
12 having been called as a prospective juror and, upon
13 his oath, was examined and testified as follows:

14 VOIR DIRE EXAMINATION

15 BY THE COURT:

16 THE COURT: Hi, Mr. Wuensche.

17 PROSPECTIVE JUROR: Hello.

18 THE COURT: When do you go for prostate
19 cancer treatment?

20 PROSPECTIVE JUROR: My prostate cancer is
21 in remission. I've had the seed implants, but the problem
22 is, that the radiation has caused me to go frequently and
23 urgently, and I can't -- when it comes on me -- if I got
24 to go, I got to go.

25 THE COURT: You're excused. Take care.

1 MR. PADILLA: Good luck, sir.

2 (Excused at 11:48 a.m.)

3 THE COURT: Ana Maria Saavedra?

4 (Court calls out next prospective juror in
5 line)

6 ANA MA. SAAVEDRA,

7 having been called as a prospective juror and, upon
8 her oath, was examined and testified as follows:

9 VOIR DIRE EXAMINATION

10 BY THE COURT:

11 THE COURT: Hi, Mrs. Saavedra. How are
12 you?

13 PROSPECTIVE JUROR: I'm fine.

14 THE COURT: This is Ana Maria Saavedra,
15 Juror Number 182495. Mrs. Saavedra, you're going to have
16 to come back in the next two weeks. And if you are
17 picked, the good thing is you get paid at least \$40 a day
18 if you do get picked. Okay?

19 PROSPECTIVE JUROR: Okay.

20 THE COURT: I am denying it just get your
21 ID.

22 PROSPECTIVE JUROR: Do I stay here?

23 THE COURT: Yes, ma'am.

24 (Excused at 11:49 a.m.)

25

1 JESSICA ANN TETREAU,
2 having been called as a prospective juror and, upon
3 her oath, was examined and testified as follows:

4 VOIR DIRE EXAMINATION

5 BY THE COURT:

6 THE COURT: Jessica Ann Tetreau?

7 PROSPECTIVE JUROR: Yes.

8 THE COURT: You have children under ten
9 ma'am?

10 PROSPECTIVE JUROR: Yes. I have two
11 children. I have a one and a half year old, and a two
12 month old.

13 THE COURT: And who's taking care of them
14 right now?

15 PROSPECTIVE JUROR: My mom. But they're
16 kind of hard to handle.

17 THE COURT: Your mom is taking care of
18 them?

19 PROSPECTIVE JUROR: They're very close
20 together. My mom works. So she took the day off.

21 THE COURT: Okay. Where do you work at?

22 PROSPECTIVE JUROR: I don't work. I'm a
23 stay at home mom. We own businesses.

24 THE COURT: What kind of businesses do you
25 have, ma'am?

1 PROSPECTIVE JUROR: Well, my husband owns a
2 nightclub and a car wash, but --

3 THE COURT: So if you got to be someplace
4 and somebody has got to take care of your children and
5 your mom is not available, how do you handle it?

6 PROSPECTIVE JUROR: I'm code pink.

7 THE COURT: Pardon.

8 PROSPECTIVE JUROR: I'm code pink. I just
9 had a two month old. She has a heart problem. I don't
10 leave her with anybody.

11 THE COURT: You are excused. Good luck.

12 (Excused at 11:50 a.m.)

13 HENRY HOLLINGSWORTH,
14 having been called as a prospective juror and, upon
15 his oath, was examined and testified as follows:

16 VOIR DIRE EXAMINATION

17 BY THE COURT:

18 THE COURT: Mr. Hollingsworth?

19 PROSPECTIVE JUROR: (Nods head in the
20 affirmative).

21 THE COURT: Federal Court duty -- you'll be
22 able to make it.

23 PROSPECTIVE JUROR: It's your call, Judge.

24 THE COURT: You'll be able to make it.
25 Tomorrow is not going to be a problem, and the moment you

1 tell them you're on this venire, I don't think you will be
2 accepted over there, so you'll do fine.

3 PROSPECTIVE JUROR: Okay. Thank you,
4 Judge.

5 THE COURT: You can get your ID, sir.
6 Patricia Alarcon?

7 PATRICIA Y. ALARCON,
8 having been called as a prospective juror and, upon
9 her oath, was examined and testified as follows:

10 VOIR DIRE EXAMINATION

11 BY THE COURT:

12 THE COURT: Three children under ten years
13 of age. Works in day care. Receives free child care only
14 if she works. Where do you work?

15 PROSPECTIVE JUROR: At Saint Paul Lutheran,
16 in Harlingen.

17 THE COURT: So if you were to be picked on
18 a jury, can they go there?

19 PROSPECTIVE JUROR: I don't know. I mean,
20 I don't know if they would charge me or what.

21 THE COURT: Well, basically, what it is, is
22 today. And then after today, there will be an appointment
23 for 45 minutes to an hour --

24 PROSPECTIVE JUROR: Okay.

25 THE COURT: -- for hour and a half, then

1 after that, the jury, we would know whether you would be
2 picked --

3 PROSPECTIVE JUROR: Okay.

4 THE COURT: So it would give you time to
5 make arrangements.

6 PROSPECTIVE JUROR: Okay.

7 THE COURT: You think you can serve?

8 PROSPECTIVE JUROR: And that would be
9 today?

10 THE COURT: That would be today, and one
11 more day in the next couple of weeks. And then later on
12 we would know whether you got picked. So it's up to Mrs.
13 Alarcon.

14 PROSPECTIVE JUROR: I kind of rather not.

15 THE COURT: It's not what you'd rather.
16 Nobody wants to be here. We do what we have to do.
17 That's part of our cost for living in a free society,
18 ma'am. Is there anybody else who helps take care of the
19 children?

20 PROSPECTIVE JUROR: No. Actually that's
21 why I'm working where I work, because of the day care.
22 Because I get the free child care where I'm working.

23 THE COURT: Step back to the star, and I'll
24 be with you in a little bit.

25 **(Discussion on the record at the bench.)**

1 MR. GILMAN: I don't have any objections,
2 Judge. She's a single mother --

3 THE COURT: Yeah.

4 MR. GILMAN: -- and she needs to work.

5 MR. PADILLA: Just for the record, I prefer
6 to have her stay on. But I can understand the Court's
7 concern. I know it would be difficult for them, but I
8 think when it comes to push, comes to shove --

9 THE COURT: Who's going to take care of her
10 kids any better?

11 MR. GILMAN: And who's not going to charge
12 her?

13 MR. PADILLA: It's up to you.

14 **(End of bench conference.)**

15 THE COURT: Mrs. Alarcon? Step forward,
16 ma'am. You're excused.

17 PROSPECTIVE JUROR: Thank you.

18 **(Excused at 11:52 a.m.)**

19 THE COURT: Kevin Michael Crosby?
20
21
22
23
24
25

1 KEVIN M. CROSBY,
2 having been called as a prospective juror and, upon
3 his oath, was examined and testified as follows:

4 VOIR DIRE EXAMINATION

5 BY THE COURT:

6 THE COURT: Kevin Michael Crosby? Juror
7 Number 210810.

8 Accepted a job in College Station, and is
9 in the process of moving.

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: When is your start date?

12 PROSPECTIVE JUROR: They made it flexible.
13 But I'm hoping, personally, to get there by July 1st.

14 THE COURT: This trial will be over by
15 July 1st.

16 PROSPECTIVE JUROR: Well --

17 THE COURT: You think you can serve on this
18 one, sir?

19 PROSPECTIVE JUROR: It would be pretty
20 tough, because I'm trying to pick up my family and sell my
21 house -- and all of that.

22 THE COURT: What does your family do? I
23 mean, what does your wife do?

24 PROSPECTIVE JUROR: She's teacher, but
25 right now she's not teaching. She's looking for a job up

1 there.

2 THE COURT: Educated person on a jury is a
3 good person to have.

4 PROSPECTIVE JUROR: Well, my mother's an
5 attorney. It runs in the family.

6 THE COURT: We won't hold it against her.
7 Mr. Crosby? I'd like for you to serve if
8 you could.

9 PROSPECTIVE JUROR: I will do what I can,
10 but --

11 THE COURT: And this case should be over by
12 that time. It really should.

13 (Excused at 11:53 a.m.)

14 THE COURT: Zachary Scott Goodrich.

15 ZACHARY S. GOODRICH,
16 having been called as a prospective juror and, upon
17 his oath, was examined and testified as follows:

18 VOIR DIRE EXAMINATION

19 BY THE COURT:

20 THE COURT: Mr. Goodrich?

21 PROSPECTIVE JUROR: I also need to add that
22 I do have a theft charge on my record.

23 THE COURT: For what, sir?

24 PROSPECTIVE JUROR: It was something up in
25 Indiana. I had a felony.

1 THE COURT: And you served probation on
2 that?

3 PROSPECTIVE JUROR: Yes.

4 THE COURT: You're excused.

5 PROSPECTIVE JUROR: Thank you.

6 (Excused at 11:54 a.m.)

7 REYNALDO S. SANCHEZ,
8 having been called as a prospective juror and, upon
9 his oath, was examined and testified as follows:

10 VOIR DIRE EXAMINATION

11 BY THE COURT:

12 THE COURT: Mr. Sanchez? This is Juror
13 Number 806043. You have a doctor's appointment for your
14 son tomorrow.

15 PROSPECTIVE JUROR: Yes.

16 THE COURT: It's not going to be a problem.

17 PROSPECTIVE JUROR: No, but I have an
18 exemption for -- I have a misdemeanor theft.

19 THE COURT: For what, sir?

20 PROSPECTIVE JUROR: For stealing.

21 THE COURT: When?

22 PROSPECTIVE JUROR: It's been awhile.

23 THE COURT: What court?

24 PROSPECTIVE JUROR: I don't remember. But,
25 I have a misdemeanor.

1 THE COURT: Was it in this court?

2 PROSPECTIVE JUROR: In this court?

3 THE COURT: Yeah.

4 PROSPECTIVE JUROR: Yeah.

5 THE COURT: Which courthouse did you go to?

6 PROSPECTIVE JUROR: I think it was -- I

7 don't remember. But I have a misdemeanor.

8 MR. PADILLA: Were you placed on probation?

9 PROSPECTIVE JUROR: I'm sorry?

10 MR. PADILLA: Were you placed on probation?

11 PROSPECTIVE JUROR: No. I had a family
12 dispute with my wife, and I was put on probation, in this
13 court.

14 THE COURT: Where was your theft charge,
15 sir?

16 PROSPECTIVE JUROR: Oh, it's been a lot of
17 years ago. I don't remember.

18 THE COURT: Step back to the star, please.

19 **(Discussion on the record at the bench.)**

20 MR. GILMAN: Judge, if he can prove that he
21 has something pending, we'll exempt him. But I don't
22 think so. I think he's pulling the wool over your eyes.

23 THE COURT: Well, I would agree. You want
24 to run risk?

25 MR. GILMAN: Yeah. Let him come back.

1 MR. PADILLA: Yeah. I would like to
2 question him -- have an opportunity to question him on the
3 information.

4 **(End of bench conference.)**

5 THE COURT: Mr. Sanchez? Step forward.
6 Mr. Sanchez? What I'm going to do, I'm going to deny your
7 request, and I'm going to ask you to come back at a later
8 time, and you'll be able to question him on individual
9 voir dire.

10 MR. GILMAN: And if you can give us proof
11 of your prior misdemeanor --

12 MR. PADILLA: At least get us proof of the
13 information that he provided to us.

14 THE COURT: Okay. But you're going to have
15 to show it.

16 PROSPECTIVE JUROR: But I have -- okay.

17 **(Excused at 11:55 a.m.)**

18 **JOHN F. HOKE,**
19 **having been called as a prospective juror and, upon**
20 **his oath, was examined and testified as follows:**

21 **VOIR DIRE EXAMINATION**

22 **BY THE COURT:**

23 THE COURT: John Francis Hoke?

24 (Court calls out next prospective juror in line)

25 I'm sorry. You're in the process of being

1 transferred to Asia with the Department of Justice.
2 Waiting for medical clearance. Someone is trying to sell
3 his house, and clear off everything. We just had one of
4 those right now, and we asked him if he could serve, and
5 we denied him. When are you supposed to move?

6 PROSPECTIVE JUROR: Hopefully, before
7 August -- the last week of July. So I got to get
8 everything done before then.

9 THE COURT: That's a lot of time.

10 PROSPECTIVE JUROR: No, sir, it's not.
11 It's not a lot of time at all. I'm an enforcement
12 supervisor. I have very little time. I have to take care
13 of my house, and everything else, and I need to move in
14 eight weeks to Southeast Asia. That's not a lot of time
15 at all, sir.

16 THE COURT: Step back to the star, sir.

17 **(Discussion on the record at the bench.)**

18 MR. PADILLA: I think I would leave him on.
19 He doesn't go until August --

20 THE COURT: He will be preoccupied.

21 MR. PADILLA: But all he has to worry about
22 is a three or four week day trial. That's all he has to
23 worry about because -- that's how long the trial is going
24 to last.

25 THE COURT: Mr. Gilman?

1 MR. GILMAN: I think he's going to be
2 preoccupied with --

3 (End of bench conference.)

4 THE COURT: Mr. Hoke is your mind going to
5 be so preoccupied with moving that is not going to let you
6 concentrate? Is that your position?

7 PROSPECTIVE JUROR: Yes, sir. That is my
8 position.

9 THE COURT: You are excused.

10 MR. PADILLA: I was going to ask a
11 question, but it's kind of late. It's moot.

12 (Excused at 11:57 a.m.)

13 ROZANNE DIAZ,
14 having been called as a prospective juror and, upon
15 her oath, was examined and testified as follows:

16 VOIR DIRE EXAMINATION

17 BY THE COURT:

18 THE COURT: Mrs. Diaz?

19 PROSPECTIVE JUROR: Yes, sir.

20 THE COURT: You're a fifth grade teacher.
21 Tomorrow is your last day. You'll be there tomorrow.
22 It's not a problem. Tomorrow you'll be there. Okay?

23 PROSPECTIVE JUROR: Yes, sir.

24 THE COURT: Hold on. You're going to need
25 your ID. Mark Raymond Judd?

1 **MARK R. JUDD,**
2 **having been called as a prospective juror and, upon**
3 **his oath, was examined and testified as follows:**

4 **VOIR DIRE EXAMINATION**

5 **BY THE COURT:**

6 PROSPECTIVE JUROR: Good morning, Your
7 Honor.

8 THE COURT: You're doing your harvesting
9 next week. You don't have to worry about it next week.
10 You're going to have an appointment about an hour, or hour
11 and a half --

12 PROSPECTIVE JUROR: Hour and a half?

13 THE COURT: You don't have to come back in
14 the next couple of weeks for that, and then the decision
15 will be made. So the two weeks are pretty flexible.

16 PROSPECTIVE JUROR: I will not be able to
17 be here during this harvest time. It's going to take
18 about six weeks to get this crop out.

19 THE COURT: Where are you --

20 PROSPECTIVE JUROR: I farm up in Willacy
21 County, from Sebastian out towards Willimar. And from
22 past service, Your Honor, lawyers "love" farmers.

23 THE COURT: Yeah, because you got a lot of
24 practical experience, and that's important.

25 MR. PADILLA: A lot of common sense.

1 PROSPECTIVE JUROR: I was on that trial of
2 that constable a couple of years ago. I was on that trial
3 for three weeks. I was the foreman on that jury. And
4 lawyers loves farmers. If I'm in here, I'm going to get
5 picked. I just know it.

6 THE COURT: I can tell by these lawyers
7 that the case is not going to take longer -- it's going to
8 take less than a week to try once it gets started. That's
9 what I'm told.

10 PROSPECTIVE JUROR: Yeah, I mean -- I'm not
11 arguing with you, sir.

12 THE COURT: No, no --

13 PROSPECTIVE JUROR: I'm just respectfully
14 discussing with you -- I farm 5,000 acres. If it -- if I'm
15 there, I have three guys that work for me -- and it's
16 going to be a train wreck.

17 THE COURT: Are you saying that it's your
18 position that you're going to be so preoccupied with this
19 that you're not going to be able to concentrate?

20 PROSPECTIVE JUROR: I'm really going to be
21 thinking about what my three tractor drivers are going to
22 be doing on the farm.

23 MR. GILMAN: I don't have any objections.

24 THE COURT: I'm granting it, sir.

25 PROSPECTIVE JUROR: I'll gladly serve in

1 the fall.

2 MR. CORDOVA: Good luck.

3 MR. GILMAN: Good luck, sir.

4 (Excused at 11:59 a.m.)

5 WILLIAM ELLIFF,

6 having been called as a prospective juror and, upon
7 his oath, was examined and testified as follows:

8 VOIR DIRE EXAMINATION

9 BY THE COURT:

10 THE COURT: Mr. Elliff? You have an
11 appointment for Valley Baptist next week in San Antonio.
12 I don't think it's going to be a problem.

13 PROSPECTIVE JUROR: Okay.

14 THE COURT: You're going to have to come
15 back one other time if you get picked for next week. But
16 what we'll go ahead and do, is reschedule your appointment
17 for a little bit later.

18 PROSPECTIVE JUROR: For an interview?

19 THE COURT: Yes. Okay?

20 PROSPECTIVE JUROR: Okay. That's great.

21 THE COURT: We'll work around it.

22 MR. PADILLA: Get your badge.

23 (Excused at 11:59 a.m.)

24 ERICA LEE LOPEZ,

25 having been called as a prospective juror and, upon

1 her oath, was examined and testified as follows:

2 VOIR DIRE EXAMINATION

3 BY THE COURT:

4 THE COURT: Hi, Ms. Lopez. Mr. Lopez
5 you're a single parent, and did not get paid while
6 attending jury.

7 PROSPECTIVE JUROR: No.

8 THE COURT: Where do you work, ma'am?

9 PROSPECTIVE JUROR: La Reyna Adult Day
10 Care.

11 THE COURT: You know in this situation,
12 it'll be today.

13 PROSPECTIVE JUROR: Uh-huh.

14 THE COURT: -- and then it'll be one more
15 day for an appointment, for an hour -- hour and a half,
16 maybe --

17 PROSPECTIVE JUROR: Uh-huh.

18 THE COURT: -- and then after that, the
19 jury starts to get paid \$40 a day. So it's not too, too
20 bad.

21 PROSPECTIVE JUROR: Okay.

22 THE COURT: You believe you can serve?

23 PROSPECTIVE JUROR: Yes.

24 THE COURT: They can't fire you. It's
25 against the law for them to fire you. They got to give

1 you your job.

2 PROSPECTIVE JUROR: School's coming out. I
3 don't know who would be taking care of my daughter while
4 she's out of school.

5 THE COURT: You're going to have to do that
6 any way regardless, right?

7 PROSPECTIVE JUROR: Yeah. True.

8 THE COURT: So I'm going to deny it, and
9 they'll give you your ID.

10 (Excused at 12:00 p.m.)

11 NANCY J. SALINAS,
12 having been called as a prospective juror and, upon
13 her oath, was examined and testified as follows:

14 VOIR DIRE EXAMINATION

15 BY THE COURT:

16 THE COURT: Nancy J. Salinas? Where do you
17 go to school?

18 PROSPECTIVE JUROR: At TSTC.

19 THE COURT: And how many hours are you
20 taking.

21 PROSPECTIVE JUROR: Twelve.

22 THE COURT: So you're a full-time student?

23 PROSPECTIVE JUROR: Yes.

24 THE COURT: What are you going do to this
25 summer?

1 PROSPECTIVE JUROR: Going to school and
2 working.

3 THE COURT: I'm sorry. I didn't hear you.

4 PROSPECTIVE JUROR: Going to school and
5 working.

6 THE COURT: So you are going to be a
7 full-time student this summer?

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: How many hours are you taking
10 this summer?

11 PROSPECTIVE JUROR: Twelve.

12 THE COURT: Okay.

13 MR. PADILLA: Good luck.

14 (Excused at 12:01 p.m.)

15 JENNY ANZALDUA,
16 having been called as a prospective juror and, upon
17 her oath, was examined and testified as follows:

18 VOIR DIRE EXAMINATION

19 BY THE COURT:

20 THE COURT: Good morning, Mrs. Anzaldua.
21 How are you Mrs. Anzaldua. Who's taking care of your kids
22 right now?

23 PROSPECTIVE JUROR: Well, they're in school
24 right now.

25 THE COURT: And what are you going to do

1 during the summer?

2 PROSPECTIVE JUROR: I work summer school; I
3 work for the school district court.

4 THE COURT: Which school district?

5 PROSPECTIVE JUROR: BSID?

6 THE COURT: And where do you teach?

7 PROSPECTIVE JUROR: Benavidez Elementary.

8 THE COURT: Have you already been assigned
9 to summer school?

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: You've already gotten a job
12 offer for summer school?

13 PROSPECTIVE JUROR: Yes.

14 THE COURT: And if you don't teach in the
15 summer, what's the consequences going to be to you?

16 PROSPECTIVE JUROR: That's extra money.
17 That's why I applied for summer school.

18 THE COURT: I understand. Can you go back
19 to the star please?

20 **(Discussion on the record at the bench.)**

21 MR. PADILLA: Four thousand dollars.

22 MR. GILMAN: We've had others. I
23 understand.

24 MR. PADILLA: It's probably the same
25 reason. They're preoccupied.

1 **(End of bench conference.)**

2 THE COURT: Ms. Jenny Anzaldua? Juror
3 Number 163827. You're excuse is granted.

4 PROSPECTIVE JUROR: Thank you.

5 **(Excused at 12:02 p.m.)**

6 THE COURT: Are you here on behalf of Tanya
7 Lucille Campbell.

8 PROSPECTIVE JUROR: No, sir. I'm John Todd.

9 THE COURT: I'm sorry. I haven't called
10 you. I was looking for Ms. Campbell. I'll be with you in
11 just a minute, Mr. Todd. Mr. Todd, step further.

12 **JOHN TODD,**
13 **having been called as a prospective juror and, upon**
14 **his oath, was examined and testified as follows:**

15 **VOIR DIRE EXAMINATION**

16 **BY THE COURT:**

17 THE COURT: Will be in Federal jury.
18 You'll be there tomorrow.

19 PROSPECTIVE JUROR: Well, I don't know if I
20 have to appear. We have to call after 6:00 p.m. with our
21 jury number and then they tell you over the phone, but we
22 have to appear.

23 THE COURT: I understand. You will have an
24 appointment -- just tell them that. We'll note them today
25 that you'll have an appointment in the next two weeks --

1 PROSPECTIVE JUROR: Okay.

2 THE COURT: -- and chances are if you go
3 over there and you are already on a pool over there,
4 you're going to get excused.

5 PROSPECTIVE JUROR: That's fine.

6 THE COURT: I know Judge Hanen and Judge
7 Tagle real well. They're real good people.

8 PROSPECTIVE JUROR: Okay.

9 (Excused at 12:03 p.m.)

10 AIDA C. GARCIA,
11 having been called as a prospective juror and, upon
12 her oath, was examined and testified as follows:

13 VOIR DIRE EXAMINATION

14 BY THE COURT:

15 THE COURT: Step forward, Aida C. Garcia.
16 Juror Number 209949. You're enrolled in summer classes?

17 PROSPECTIVE JUROR: Yes. They start June 2
18 and July 3.

19 THE COURT: And how many classes are you
20 taking?

21 PROSPECTIVE JUROR: Two. Statistics and
22 government.

23 THE COURT: You're taking statistics during
24 the summer?

25 PROSPECTIVE JUROR: Yes. Wish me luck.

1 MR. PADILLA: Don't scare her.

2 THE COURT: You're brave. Just for that, I
3 will grant your excuse. I'm not sure if it's full time --

4 PROSPECTIVE JUROR: It is full-time.

5 THE COURT: And you got the guts to take
6 statistics during summer? Mrs. Garcia, I admire you.

7 Take Care.

8 (Excused at 12:03 p.m.)

9 NORMA RODRIGUEZ,
10 having been called as a prospective juror and, upon
11 her oath, was examined and testified as follows:

12 VOIR DIRE EXAMINATION

13 BY THE COURT:

14 THE COURT: Hi. You're going to summer
15 school, one and two?

16 PROSPECTIVE JUROR: Yes.

17 THE COURT: What are you teaching?

18 PROSPECTIVE JUROR: LVN nurse.

19 THE COURT: And are you taking a full-time
20 class?

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: And where are you going to?

23 PROSPECTIVE JUROR: TSTC.

24 THE COURT: It's granted. Thank you.

25 PROSPECTIVE JUROR: Thank you.

1 (Excused at 12:04 p.m.)

2 CARMELA V. PETRAITIS,

3 having been called as a prospective juror and, upon
4 her oath, was examined and testified as follows:

5 VOIR DIRE EXAMINATION

6 BY THE COURT:

7 THE COURT: Mrs. Petraitis? Elementary
8 teacher. Wants to be excused. No, ma'am.

9 PROSPECTIVE JUROR: Wait.

10 THE COURT: My daughter is a --

11 PROSPECTIVE JUROR: My cousin is the one
12 that did your campaign.

13 THE COURT: And you want to be excused? No
14 ma'am. Connie was here, but Connie got off on medical
15 reasons. She had a doctor's excuse.

16 PROSPECTIVE JUROR: And I have heart
17 palpitations. No. Just kidding.

18 THE COURT: What says the State?

19 MR. PADILLA: Better remind her she's under
20 oath, Your Honor.

21 PROSPECTIVE JUROR: But I'm taking my baby
22 to college.

23 THE COURT: It's not going to be a problem,
24 because let me tell you how this works. You're going to
25 serve today. You're off tomorrow and Friday, and you come

1 back in the next two weeks.

2 MR. GILMAN: Monday.

3 THE COURT: -- you come back in the next
4 two weeks. We'll go ahead and make an appointment. We'll
5 go ahead and make an appointment. You'll come for that
6 appointment, and then the case is not going to start until
7 about two weeks later.

8 PROSPECTIVE JUROR: Okay. Even if I voted
9 for you?

10 THE COURT: Mrs. Petraitis? I apologize.

11 PROSPECTIVE JUROR: Now all of these people
12 are going to say: What happened? So you know I have to
13 come back.

14 THE COURT: Yes.

15 PROSPECTIVE JUROR: How dreadful!

16 THE COURT: We have people that are smart
17 and have common sense.

18 PROSPECTIVE JUROR: I don't read.

19 THE COURT: You're under oath.

20 PROSPECTIVE JUROR: Oh, I forgot.

21 **(Excused at 12:05 p.m.)**

1 ANTONIA L. CAMPBELL,
2 having been called as a prospective juror and, upon
3 her oath, was examined and testified as follows:

4 VOIR DIRE EXAMINATION

5 BY THE COURT:

6 THE COURT: Antonio Lucio Campbell? Juror
7 Number 275714. She faxed in that she was going through
8 her mail. That she stays in McKinney, Texas two weeks.
9 South Padre Island for the next two weeks. That she just
10 got this back -- I'm having a hard time reading this.
11 Basically she says, she's got two weeks in McKinney, and
12 two weeks at South Padre Island. She has her airline
13 ticket attached hereto, along with her driver's license, a
14 copy of a summons that she just received. She went to
15 Dallas on May 12 to May 27. She is scheduled to be in
16 court in Dallas, and arrived in Harlingen on Tuesday,
17 May 27, and she had these tickets before.

18 (Court calls out next prospective juror in
19 line)

20 MR. PADILLA: Is it sworn to?

21 THE COURT: It's not sworn to. It's not
22 notarized. I'm going to grant it. You guys can make your
23 objections.

24 (Excused at 12:06 p.m.)
25

1 RODNEY HUFF,
2 having been called as a prospective juror and, upon
3 his oath, was examined and testified as follows:

4 VOIR DIRE EXAMINATION

5 BY THE COURT:

6 THE COURT: Now Mr. Huff, we should not
7 grant.

8 MR. GILMAN: Let's rethink this. Let's
9 rethink this.

10 PROSPECTIVE JUROR: Oh, come on now. It
11 will save you a strike.

12 MR. GILMAN: He has put in his service in
13 the community, for many years.

14 MR. PADILLA: We would like to have him on
15 the panel.

16 THE COURT: So you're objecting to Mr. Huff
17 being off the panel?

18 MR. PADILLA: At this point, Yes, Your
19 Honor.

20 THE COURT: Nice seeing you again. They're
21 going to give you your ID.

22 (Excused at 12:07 p.m.)

23 THE COURT: Now we need to figure out how
24 to do the questionnaires.

25 DEPUTY CLERK: I need the list the

1 questionnaires.

2 (Discussion off the record at the bench.)

3 MARIA THERESA CANTU,

4 having been called as a prospective juror and, upon
5 her oath, was examined and testified as follows:

6 VOIR DIRE EXAMINATION

7 BY THE COURT:

8 THE COURT: Maria Theresa Cantu? I saw you
9 sitting there, Terry, and I know --

10 PROSPECTIVE JUROR: No, I do. Let me -- I
11 work for the school district in San Benito --

12 THE COURT: Yes, I know.

13 PROSPECTIVE JUROR: -- and I'm the
14 administrator for the Special Ed 504, and we ourselves are
15 going to court, and I didn't sign up because I thought it
16 was going to be in the weeks, but she said it would be in
17 either two, four, six weeks.

18 THE COURT: Okay. And are you going to be
19 a witness in that?

20 PROSPECTIVE JUROR: Well, they're filing
21 against the student -- a special ed school. As a
22 director, I'm the one that is directly involved. But I
23 don't know if we're going at the end of July or August.

24 THE COURT: But if they do file it --

25 PROSPECTIVE JUROR: They've already filed.

1 We're asking for an extension.

2 MR. GILMAN: Well, we will give you an
3 excuse, put you on the jury. Then it would be a good
4 excuse for the jury.

5 THE COURT: No, you don't understand.

6 PROSPECTIVE JUROR: No. You don't
7 understand. Listen to him.

8 THE COURT: She is defending San Benito
9 ISD --

10 PROSPECTIVE JUROR: Right.

11 THE COURT: On a special ed allegation. So
12 the issue then becomes whether or not that is going to
13 take place within this next month. If it doesn't take
14 place within the next month, Ms. Cantu --

15 PROSPECTIVE JUROR: It won't be within the
16 next month.

17 THE COURT: Then you can serve.

18 PROSPECTIVE JUROR: But you said we had to
19 come back in four weeks.

20 THE COURT: No.

21 PROSPECTIVE JUROR: All of my employees are
22 there, and they're counting on you to let me go.

23 THE COURT: I didn't excuse them.

24 PROSPECTIVE JUROR: But they didn't ask.

25 THE COURT: Ms. Cantu?

1 PROSPECTIVE JUROR: I'm also going with
2 Bobby to Las Vegas, and we're going in July.

3 MR. PADILLA: You better go to my
4 daughter's wedding, too.

5 PROSPECTIVE JUROR: You want me to step
6 back, so y'all can talk? So you agree to release me? I
7 helped push the mail under your door this morning.

8 PROSPECTIVE JUROR: So, should I go over
9 there?

10 MR. PADILLA: You hear the laughter back
11 there in the background.

12 MR. PADILLA: You want her excused?.

13 MR. GILMAN: No. I didn't want her
14 excused. She would have an excuse to extend the other
15 case, and not this one.

16 THE COURT: Where's the list? Gone for
17 five minutes. Where's the list?

18 **(Discussion off the record at the bench.)**

19 THE COURT: We are just waiting for the
20 list of everybody who did not send in the jury
21 questionnaire from the clerks. As soon as we get that,
22 we'll call out those name, then we'll be done until 1:30.
23 What I'll probably do, is just make it a little bit
24 later -- probably until 2:00 to give you time. We have a
25 questionnaire. We're going to ask to you fill out during

1 the lunchtime, it's very important that you fill out the
2 questionnaire as carefully as you can. But answer it as
3 truthfully as you can can, and when you answer the
4 questionnaire it will make the subsequent visit -- the
5 visit I was talking about that was 45 minutes to an hour
6 and a half -- it will make that one much quicker. So
7 answer the questionnaire as truthfully as you can. But in
8 the meantime --

9 (Discussion off the record at the bench.

10 Subsequently, the Court addresses the
11 panel.)

12 THE COURT: I'm going to call out some
13 names and you need to come up and fill out the
14 questionnaire forms from the district clerk's office.
15 Edward Luis Alcalar? Amparo Burnias?

16 PROSPECTIVE JUROR: Right here.

17 THE COURT: Christopher Neal Champion?
18 Cynthia Cruz? Victor Diaz, Jr? Luis Esparza? Jose
19 Alberto Fiscal, Paula Sanchez Fuentes? Alexandria Vivian
20 Garza? Arturo Gonzalez? Eladio Guajardo? Brandon Oscar
21 Haecke?

22 Let them take a break.
23
24
25

1 JAIME CAPETILLO

2 having been called as a prospective juror and, upon
3 his oath, was examined and testified as follows:

4 VOIR DIRE EXAMINATION

5 BY THE COURT:

6 THE COURT: I'm sorry, sir.

7 PROSPECTIVE JUROR: Any way that I can get
8 this processed through, because (referring to his child).
9 He's asleep right now, and it's easier --

10 THE COURT: What's your name, sir?

11 PROSPECTIVE JUROR: Jaime Capetillo.

12 THE COURT: I'm going to excuse you
13 Mr. Capetillo. You're excused.

14 PROSPECTIVE JUROR: Thank you, sir.

15 (Excused at 12:15 p.m.)

16 THE COURT: Casamiro Hinojosa, Jr?
17 Raquel Martinez Hinojosa? Elsa Yvette Juarez? Maria
18 Teresa Korab? Reynaldo Lozano Limon? Erica Lee Lopez?
19 Juan Lozano, Jr.? Jose Luis Marez? Bob Mayfield? Mark
20 Anthony Mendoza? Eduardo Mesa? Victor Jimenez Olvera?
21 Carmela Virginia Petraitis? Mariana Ramirez? Leticia
22 Reyna? Juan Rodriguez? Yurytzy Ruiz? Arnulfo Salinas?
23 Patricia Marie Salinas? Sally Elizabeth Smith? Susan
24 Elizabeth Smith Lingo. Ken Soles? Mr. Soles is right
25 here. Patricia Rincon Soles? Janet Perez Speerman?

1 David Lee Trevino? Lonnie Wayne Turnbough? Raul Perez?
2 Jane Dale Woodall? Mr. Soles and Victor Diaz,, Jr. you
3 need to pickup your name tags. Victor Diaz, Jr?

4 Those of who were not called out right now,
5 I'm going to ask that you please return. Instead of doing
6 this at 1:30, we'll be doing it at 2:00 o'clock. Well,
7 hold on. Don't leave. Don't leave. In the back, the
8 good looking lady in black and white and the gentleman in
9 the tie is going to be handing you questionnaires. I'm
10 going to ask that y'all leave in order, one row at a time,
11 so that you can get it without bunching up in the back.
12 Everybody standing in the back, leave first. Pick up a
13 questionnaire. Make sure your badges is scanned. I don't
14 want to have to send the sheriff after you, and come back
15 at 2:00 o'clock. Return with the questionnaire already
16 filled out. The last row first. And the rest of you
17 please be seated. Just a couple of minutes. Bear with
18 me, and we'll make it quick, I assure you.

19 **(Discussion off the record at the bench.)**

20 The next to the last row in the back, go
21 ahead and go. But pick up the forms,
22 please.

23 The next row. Just like when you're out in
24 church. One row at a time.

25 THE COURT: This afternoon you will be

1 return with the rest the questionnaires. Then we will
2 have the 45 minutes to an hour max. And then you will be
3 able to leave. You will get your appointments when you
4 return. That's what is going to happened this afternoon.

5 THE COURT: Everybody gets an appointment
6 after they return for an hour -- or hour and a half on a
7 day certain so you don't have to on wait around. So
8 that's at least the hope.

9 Mr. Gilman? Mr. Cordova? Mr. Padilla --
10 somebody from the State? Mr. Villalabos?

11 Mr. Jaime Capetillo was the gentleman that
12 was sitting there with the baby --

13 MR. PADILLA: With the baby?

14 THE COURT: And he was having a hard time
15 with the baby and talked about -- you know -- if he could
16 come back before 1:00, or before 2:00 because the baby was
17 sleeping and was struggling with the baby. I went ahead
18 and excused him because it was going to be real difficult
19 with that.

20 MR. PADILLA: Yes.

21 THE COURT: So I'm making a record of it
22 Juror Number 222190. If you want to make your objections,
23 make your objections of it now.

24 MR. GILMAN: I'll object, Judge, because he
25 had an objection, he was brought up before us, and we

1 agreed to keep him on --

2 THE COURT: I understand. But the baby was
3 crying, and finally fell asleep, and he was the only one
4 taking care of the baby, and it was going to be very
5 difficult for him to go out throughout today.

6 MR. PADILLA: Judge, just so the record is
7 clear, the State would have no opposition to him being
8 released. During the whole proceedings, the child was
9 muciferous, crying and distracting everybody, Judge.
10 So --

11 THE COURT: Make your objection.

12 MR. GILMAN: I object.

13 DEPUTY CLERK: This juror just called in,
14 and missed being here this morning.

15 **(Discussion off the record at the bench.)**

16 **(Discussion on the record at the bench.)**

17 THE COURT: We have a total of 320 jurors
18 available.

19 MR. GILMAN: When you're doing your general
20 voir dire, are there going to be people raising their
21 hands expressing their feelings?

22 THE COURT: Could be. I don't know yet.

23 MR. GILMAN: Then are we going to make them
24 --

25 MR. PADILLA: Yeah, they're going to come

1 forward, one at a time, like we did with the other people,
2 and they're going to make a record of what it is --
3 whether they know me as the the John Allen Rubio defense
4 attorney.

5 THE COURT: Are you going -- are you going
6 to have a list of witnesses?

7 MR. PADILLA: I got the list now. You want
8 to look at it now?

9 MR. CORDOVA: In 45 minutes to an hour and
10 a half, we're going to have everybody come up.

11 THE COURT: It could be. We don't know,
12 Mr. Cordova.

13 MR. PADILLA: You see we're not going to
14 voir dire. Just the judge is. Then we're going to ask
15 them, first do they know anything about them? Do they
16 know the defendant, or the defendant's family? Do they
17 know the children? Do they know the attorneys? Do they
18 know anything about the investigation? If we ask anybody
19 that has an opinion, we got a bunch of people that want to
20 get off.

21 MR. CORDOVA: Well, let's deal with it.

22 MR. PADILLA: We got to deal wit it one at
23 a time. There's not much we can do.

24 **(Discussion off the record at the bench.)**

25 MR. GILMAN: We don't have numbers yet of

1 how many we have?

2 THE COURT: They're sitting on the chair.
3 Yeah, we have 320 people available.

4 MR. CORDOVA: Before we went through
5 this --

6 MR. PADILLA: No, after.

7 MR. GILMAN: Oh, after.

8 MR. PADILLA: We had 365 with Rubio. So
9 we're fine. We have plenty. This is not a high profile
10 case like the Rubio case was, in the sense of -- publicity
11 wise.

12 THE COURT: It went a lot smoother than
13 expected.

14 MR. PADILLA: I guess you could ask the
15 State to list their witnesses.

16 THE COURT: No. I'm going to recite the
17 names.

18 MR. PADILLA: Yeah.

19 THE COURT: Each side give me the list of
20 witnesses you have for this afternoon.

21 MR. CORDOVA: Now?

22 THE COURT: If you got them. If not by
23 2:00 o'clock. I don't care. I will list --

24 MR. PADILLA: This is the list, and we got
25 these P.D. officers and what the EMS cost.

1 MR. GILMAN: Do we get a list?

2 MR. PADILLA: No.

3 MR. GILMAN: You don't get a list?

4 MR. PADILLA: No. Why?

5 MR. GILMAN: Then why should I give you my
6 list?

7 MR. PADILLA: You don't have to give me a
8 list. I have a record of it. I'll have Al type it up for
9 me.

10 THE COURT: I will staple them -- I'm going
11 to give him yours, and --

12 MR. PADILLA: Yeah. I'll make him one.
13 I'll make it upstairs.

14 THE COURT: That's okay.

15 **(Discussion off the record at the bench;**
16 **lunch break from 12:00 p.m. - 1:00 p.m.)**

17 **(Potential Jury Jurors Seated from 1:15**
18 **p.m. - 2:09 p.m.)**

19 THE COURT: We have three jurors who did
20 not show up this morning. Cecilia Vela, Juror Number
21 245633. John Barnum, Juror Number 156633. And Alexander
22 David Herrera, Juror Number 752139. They did not take the
23 oath this morning. We'll go ahead and try to get them to
24 fill out the questionnaire real quick, and put them under
25 oath right now, and see if they have any exemptions or

1 excuses.

2 Mr. Gilman? How do you wish to proceed on
3 this?

4 MR. GILMAN: Judge, you should take it up,
5 because they missed the time.

6 THE COURT: I understand. But I don't
7 think they should be rewarded for being late.

8 MR. GILMAN: I don't think we should take
9 up these people's time.

10 MR. PADILLA: On behalf of the State, we
11 would ask that they be struck and taken off the list. If
12 we do question them, where are we going to seat them?

13 THE COURT: Put them at the very end.

14 MR. PADILLA: Because I think we have
15 enough jurors. In my experience, we will probably not go
16 any more than 250 -- or 225, at the most. We already got
17 361.

18 So the State would have no opposition to
19 having those names removed as potential jurors in this
20 trial.

21 THE COURT: You have no objections, Mr.
22 Gilman?

23 MR. GILMAN: You can do with whatever you
24 wish, Judge. I don't think they should be taking up our
25 time.

1 THE COURT: To avoid taking up our time,
2 we're going to go ahead and excuse them. Let the clerk's
3 office deal with them, and we can put them on the next
4 time --

5 MR. PADILLA: That's correct, Your Honor.

6 THE COURT: -- and we can proceed with the
7 other stuff.

8 MR. PADILLA: Very good, Your Honor.

9 MR. GILMAN: Right.

10 **(End of bench conference.)**

11 THE COURT: Mr. Gilman and Mr. Padilla, one
12 last thing.

13 **(Discussion on the record at the bench.)**

14 THE COURT: I'm getting ready to proceed on
15 the voir dire examination of all this potential panel.
16 Does anybody have any motions at all at this time?

17 MR. GILMAN: We have motions in limine.

18 THE COURT: The motions in limine, we'll
19 take those up prior to the individual voir.

20 MR. GILMAN: Okay.

21 THE COURT: So there are no other
22 motions -- no motion for jury shuffle, or anything else at
23 this time?

24 MR. PADILLA: No, sir.

25 MR. GILMAN: No, sir.

1 THE COURT: I just wanted that to be
2 reocord, Al? Did you get that?

3 THE REPORTER: Yes, sir.

4 THE COURT: Thank you.

5 **(End of bench conference 2:53 p.m.)**

6 THE COURT: Ladies and gentlemen of the
7 jury panel, the last clerical thing that we have to take
8 care of is the House Bill 1886. Jury donation forms.
9 It's something that's your option. It's your choice.
10 Please fill them out and pass them forward so that the
11 clerk's office can pick them up. Just pass them forward
12 and they'll pick them up.

13 There is also one set of keys. Anybody
14 lose a set of keys? They'll be up here with these ladies.
15 If you can't find your car keys or truck keys, they'll
16 have them.

17 GENERAL VOIR DIRE

18 Basically, it is -- the time now is
19 normally known as general voir dire. I'm going to go over
20 some of the basic principles of this case. In this case,
21 this is a capital murder case in which the death penalty
22 is being sought by the State, and it is very important
23 that we try to find, ultimately, jurors that can be fair
24 and impartial and that can answer the questions and follow
25 the law. The jurors are the triers of fact. You are the

1 ultimate decider of facts. The Court is the one who
2 interprets the law and provides the law in different
3 forms, and, ultimately, is in the charge of the Court,
4 which explains the law which I will go over right now, and
5 it also goes over questions that you are to answer.

6 First of all, in our process, it is very
7 important that jurors not deliberate at all. They do not
8 talk with each other concerning anything about the case.
9 The importance of this is because it's important that all
10 of the evidence be in front of you, that the arguments of
11 attorneys be presented and that you have the charge of the
12 Court. And only when that is done, should you start
13 discussing the case. So the juror instructions throughout
14 the process are going to be that you are not to talk to
15 anybody about the case, not talk to your wives, husbands,
16 boyfriends, girlfriends, parents, comadres, compadres --
17 not anybody -- best friends, and not discuss the case with
18 anybody at all. And that you wait till you hear all of
19 the evidence -- until the last bit of evidence is
20 submitted, and that you hear the argument of counsel, and
21 that you get the charge of the Court, and only when you go
22 back are you supposed to start deliberating, and to give
23 everybody the opportunity to go ahead and present their
24 evidence.

25 Now the basic rules are: Everybody is

1 presumed innocent until proven guilty. The Grand Jury
2 indictment is just the State's formal accusation of a
3 crime. Under our system of law there is a presumption of
4 innocence. And everybody is presumed innocent until
5 proven guilty beyond a reasonable doubt. And the
6 definition of reasonable doubt will be given to you in the
7 charge, and it basically reads as follows.

8 "A reasonable doubt is a doubt based on
9 reason, and common sense after a careful, and impartial
10 consideration of all of the evidence in the case. It is
11 the kind of a doubt that makes a reasonable person to
12 hesitate to act in the most important of their own
13 affairs. Proof beyond a reasonable doubt, therefore, must
14 be proof of such a convincing character, that you would be
15 willing to rely and act upon it without hesitation in the
16 most important of your own affairs.

17 In the event -- if you have a reasonable
18 doubt as to the defendant's guilt after considering all
19 the evidence before you, you are instructed that you will
20 acquit him by saying "not guilty".

21 MR. PADILLA: Judge, may I approach the
22 bench?

23 THE COURT: Yes, sir.

24 **(Discussion on the record at the bench.)**

25 MR. PADILLA: Judge on the reasonable doubt

1 definition, the Court of Criminal Appeals has reversed
2 that and taken it out. There is no more definition as to
3 reasonable doubt. That was made by court decision about
4 two years ago.

5 THE COURT: This is under the standard
6 pattern jury charge. That was the most recent --

7 MR. PADILLA: That was the old standard,
8 and you already covered it. And it won't be part of the
9 charge, but it's already covered. Okay.

10 (End of bench conference.)

11 THE COURT: Now it does not mean that it's
12 beyond all possible doubt -- that you have to be certain
13 beyond a reasonable doubt whatsoever. You don't have to
14 know completely certain, but the doubt that you may have
15 may not be a reasonable doubt. In order to return a
16 verdict, all the jurors should consult with one another.
17 In the course of your deliberations each juror should not
18 hesitate to reexamine his or her own views or opinions, or
19 change his opinion if convince it is erroneous. However,
20 no juror should surrender his own honest conviction as to
21 the weight or effect of the evidence solely because of the
22 opinion of your fellow jurors, or for the mere purpose of
23 returning a verdict. And with regards to opinion, you
24 will be instructed that you must not allow yourselves to
25 be influenced to any degree what you think the Court's

1 opinion is.

2 The Court, which is the judge -- myself --
3 has no right by any word or act to indicate any opinion
4 with respect to any matter of law involved in the case,
5 nor the guilt or innocence of the defendant. The Court
6 will not attempt to express my opinion with regards to
7 that. And if you have observed anything which you may, or
8 anything that you observe, or that you may interpret as to
9 the Court's opinion, then you should wholly and totally
10 disregard it. You are the only triers of the facts in
11 this case.

12 The attorneys will make arguments.
13 Arguments is not proof. The only evidence that you should
14 consider is that proof that is heard from the witness
15 stand under oath after the rulings of the Court.

16 The burden of proof in all criminal cases
17 as I stated before rests upon the State as I said before
18 and never shifts to the defendant. The prosecution has
19 the burden of proving the defendant guilty and must do so
20 by proving each and every element of the evidence beyond a
21 reasonable, and it is not required that the prosecution
22 prove guilt beyond all possible doubt. It is just
23 required that the prosecution exclude all reasonable doubt
24 concerning the defendant's act or guilt.

25 MR. PADILLA: Your Honor? I apologize.

1 THE COURT: Yes, sir?

2 MR. PADILLA: One of the jurors is saying
3 she is feeling real sick and nauseated. I was just
4 telling her to --

5 THE COURT: Step forward. Mr. Gilman?

6 **(Discussion on the record at the bench.)**

7 THE COURT: This is Juror Number 152. Do I
8 have the right number? This is Irma Corker.

9 IRMA CORKER,

10 having been called as a prospective juror and, upon
11 her oath, was examined and testified as follows:

12 VOIR DIRE EXAMINATION

13 BY THE COURT:

14 THE COURT: Feeling very nauseous and
15 feeling very sick.

16 MR. PADILLA: The State would have no
17 objections to having her excused, Your Honor.

18 THE COURT: You're excused, ma'am.

19 PROSPECTIVE JUROR: I just have to go to
20 the bathroom.

21 THE COURT: Go. Juror Number 152 will be
22 excused.

23 **(Excused at 3:01 p.m.)**

24 THE COURT: Now a person commits the
25 offense of capital murder, when such person commits the

1 murder of any individual under the age of six. An
2 "individual," of course, means a human being who's alive,
3 including an unborn child that every stage is a gestation
4 until birth. And a person acts knowingly or with intent
5 with respect to the result of their conduct when it's a
6 conscious objective or desire to cause the result.

7 A person acts knowingly or with knowledge
8 with respect to the result of such conduct when they're
9 aware that their conduct is reasonably certain to cause
10 the result. In this particular case, Melissa Elizabeth
11 Lucio, sitting in black in the middle against the wall, is
12 charged with intentionally and knowingly on or about the
13 17th day of October, 2007 causing the death of an
14 individual, her daughter, by the name of Maria Alvarez, by
15 striking, shaking or throwing Maria Alvarez with her foot,
16 hand, or other object unknown to the Grand Jury, and that
17 said Maria Alvarez was then and there an individual
18 younger than six years of age. If in fact you find the
19 evidence beyond a reasonable doubt, you will find her
20 guilty.

21 If you do not find her -- unless you so
22 find beyond a reasonable doubt or if you have a reasonable
23 doubt, you should acquit the defendant at that time by
24 saying by your verdict "not guilty".

25 The question here, and, of course, there

1 will be a second set of charges in the second phase of the
2 trial which is called the punishment phase if you in fact
3 reach that point. And then you will have another set of
4 questions to answer. The first question, of course, is
5 whether you can follow the law and instructions of the
6 Court while deliberating in this case. Is there anybody
7 here who has a major problem with that?

8 (Discussion on the record at the bench.)

9 SANDRA E. RODRIGUEZ,
10 having been called as a prospective juror and, upon
11 her oath, was examined and testified as follows:

12 VOIR DIRE EXAMINATION

13 BY THE COURT:

14 THE COURT: Sandra E. Rodriguez?

15 PROSPECTIVE JUROR: Yes.

16 THE COURT: Please stand up and give me the
17 number behind you.

18 PROSPECTIVE JUROR: 201.

19 THE COURT: Pardon me?

20 PROSPECTIVE JUROR: 201.

21 THE COURT: 201. Sandra Edith Rodriguez.

22 PROSPECTIVE JUROR: Yes.

23 THE COURT: Step forward, ma'am.

24 Mr. Villalobos? Mr. Padilla? What's your problem?

25 PROSPECTIVE JUROR: I have two children of

1 my own, sir. I would protect them through anything, and
2 for her to kill her daughter, I would definitely -- I
3 would give her the death penalty.

4 THE COURT: But you don't know if it even
5 happened.

6 PROSPECTIVE JUROR: I'm sorry. I am very
7 strongly against that. I am strongly -- I would give her
8 the death penalty.

9 THE COURT: Even without hearing the
10 evidence?

11 PROSPECTIVE JUROR: I'm sorry. A child, is
12 a child, and they're innocent. And whether it's the
13 responsibility of the parent to protect them -- it doesn't
14 matter. To me a child is innocent.

15 THE COURT: Would you like to ask any
16 questions?

17 MR. GILMAN: I think she's saying she can't
18 be fair, judge and doesn't want to serve.

19 MR. PADILLA: Mrs. Rodriguez, are you
20 saying, irregardless of the facts, if it involves a child
21 that is deceased, and the child is under six years of age,
22 are you going to impose the death penalty automatically?
23 Or, are there cases that you can conceive where depending
24 on the circumstances you could consider life in the
25 penitentiary without parole as a possible punishment in

1 this type of case? I mean, obviously, you don't know any
2 of the facts, but could you decide the case based on the
3 facts, derived from the facts, and decide a just
4 punishment in your mind once you've had an opportunity to
5 look at all of the facts. Or just the fact that it
6 involves the child --

7 PROSPECTIVE JUROR: Just the fact that it
8 would involve a child. I mean, I'm under oath! I'm
9 telling you the truth.

10 THE COURT: I understand.

11 MR. PADILLA: And there's no right or wrong
12 answer.

13 PROSPECTIVE JUROR: I'm not trying to be
14 facetious here, but I have two children of my own.

15 THE COURT: Is your feeling so strong that
16 you think it would carry you throughout the trial, and you
17 could not be fair to her?

18 PROSPECTIVE JUROR: I'm being honest, I
19 don't I could be fair. I would give her the death penalty,
20 regardless.

21 THE COURT: Mr. Gilman?

22 MR. GILMAN: We ask that she be struck for
23 cause, Judge.

24 THE COURT: I'm going to allow you to
25 leave, ma'am.

1 **(Excused at 3:06 p.m.)**

2 MR. PADILLA: Judge, probably the better
3 practice would be to allow her to sit back. Because the
4 rest of the jurors start seeing that they come up and they
5 leave, then all of them want to leave. It's probably
6 better if they go back and take their seat, and then
7 excuse them once we finish with the whole voir dire.

8 THE COURT: You're probably right.

9 MR. PADILLA: Otherwise, they're going to
10 say, "Oh, look she got off."

11 THE COURT: That's a good point, Mr.
12 Padilla.

13 MR. PADILLA: Otherwise, you're going to
14 railroad it and everybody is going to want to go home.

15 THE COURT: You're right. Thank you.
16 Understood, Mr. Padilla.

17 **(End of bench conference.)**

18 THE COURT: One of the questions, of
19 course, is whether or not all of you know, or any of you
20 know any of the witnesses and you have some familiarity
21 with them that it might affect how you make that decision
22 in this case. So I am going to list -- I'm going to read
23 out loud the names of the witnesses and then I'm going to
24 through all of them. And if you hear a name that you
25 know, I'm going to ask you to stand up, just stand up if

1 you know the name. We are going to do this exercise in
2 two sets.

3 Doctor Norma Jean Farley? Doctor Harry
4 Davies? Randall Nestor. Just stay standing, ma'am.
5 Randall Nestor. David Mendoza.

6 MR. PADILLA: Your Honor can we indulge
7 upon the Court to call out the names of the police
8 officers, and to inquire from the jury panel see, to see
9 if they know any of these individuals?

10 MR. GILMAN: Again, we're going to ask that
11 you just read the names.

12 THE COURT: I'm just going to read the
13 names. If you know the names, we'll go through it first.
14 The last name, I think, I read was Damian Rodriguez. No,
15 David Mendoza. David Rodriguez

16 MR. GILMAN: Damian Rodriguez.

17 THE COURT: Damian Rodriguez? Thank you.
18 Oliva Cavazos. Max Lopez? Adrian Hernandez? Rebecca
19 Cruz. Jaime Palafox? Robert Mendiola? Jose Lucio
20 Palafox. Richard Turner? Detective Javier M. Villarreal,
21 Detective Joe Michael Salinas. Detective Frank Roth?
22 Detective Jesus Banda? Captain Hector Leal. Victor
23 Escalon? Rolando Castaneda? Robert Antonio Alvarez?
24 Daniella Lucio? Alejandra Lucio? Selena Lucio? Rene
25 Alvarez? Richard Alvarez? Robert Alvarez? Gabriel

1 Alvarez? Adrian Alvarez? Sara Alvarez? Florence
2 Arreola? Angie Romo? Melissa Pedraza? Mike Rodriguez?
3 Lucy Arreola? Margie Garcia? Irasema Casas? Irma
4 Garcia? June Thompson? Nancy Colvin? And a former
5 neighbor by the name of "Susie," last name unknown?

6 Now, the question, of course, is whether or
7 not you know the people that you stood up for, that you
8 recognize the names. So well, or you would give such
9 credence to their testimony that you could not be fair or
10 impartial? If any of you feel that knowing these people
11 is not -- is not something that would cause you, not to be
12 fair or impartial, I'm going to ask you to please step
13 forward? Does anyone feel so strongly that you don't
14 think you could be fair and impartial in knowing these
15 people, please step forward? And then just form a line
16 right here.

17 The rest of you, if there is anyone in the
18 name that you recognized, that you feel would unduly
19 influence what your decision might be, sway you one way
20 more than one way or the other, then also come forward.

21 I'm sorry. Step forward, ma'am. What was
22 your name?

23 (excused at 3:22 p.m.)

24 MARIA ELENA CRUZ,

25 having been called as a prospective juror and, upon

1 her oath, was examined and testified as follows:

2 VOIR DIRE EXAMINATION

3 BY THE COURT:

4 THE COURT: What's your number?

5 PROSPECTIVE JUROR: 203.

6 THE COURT: I'm sorry. I got to get the
7 other last list. Who did you know?

8 Who did you stand up for?

9 PROSPECTIVE JUROR: Doctor Harry Davies.

10 THE COURT: Gentleman, please. Who did you
11 stand for?

12 PROSPECTIVE JUROR: Doctor Harry Davis.

13 THE COURT: How do you know him?

14 PROSPECTIVE JUROR: Well, I worked at
15 Valley Baptist for many years. So I know Doctor Harry
16 Davis who works in the emergency room. That's the one
17 you're talking about.

18 THE COURT: I mean, would you give more
19 undue weight to his testimony than others?

20 PROSPECTIVE JUROR: I know him. I would
21 believe him. I would believe what he would have to say.

22 THE COURT: And you couldn't be just fair
23 and impartial to everybody-- you know -- after hearing
24 what he says?

25 PROSPECTIVE JUROR: Well, it's going to be

1 all medical -- right?

2 THE COURT: Some of it is going to be
3 medical, yes.

4 PROSPECTIVE JUROR: So I understand
5 medical.

6 THE COURT: Yes, ma'am.

7 PROSPECTIVE JUROR: And Doctor Harry Davis
8 is a very good physician -- an ER physician. He would
9 describe the injuries and -- I would believe him.

10 MR. PADILLA: But the question is this --
11 may I question her, Your Honor?

12 THE COURT: Sure.

13 MR. PADILLA: The question is this: Even
14 though you know Doctor Davis, I mean, if he testified to a
15 certain fact, would you believe that fact --

16 PROSPECTIVE JUROR: Yes.

17 MR. PADILLA: -- automatically just because
18 it's Doctor Davis, irregardless if you may hear evidence
19 to the contrary?

20 PROSPECTIVE JUROR: From whom.

21 THE COURT: Well, let's say it was from
22 another witness, would you tend to believe Doctor Davis
23 simply because you know him irregardless of what the
24 evidence shows?

25 PROSPECTIVE JUROR: Well, would this

1 witness be another doctor?

2 MR. PADILLA: Well, could be. And the
3 question is: Could you hear both sides and then determine
4 the facts as you perceive them from both sides, or would
5 you automatically believe what doctor Davis said
6 irregardless of what somebody else would say?

7 PROSPECTIVE JUROR: I'd have to think about
8 it, when I hear both of them.

9 THE COURT: I'm going to ask you to go back
10 and sit down, and we'll go ahead and take it up a little
11 bit later.

12 PROSPECTIVE JUROR: Thank you.

13 THE COURT: What number were you sitting on
14 sir.

15 (Excused at 3:37 p.m.)

16 PROSPECTIVE JUROR: 152.

17 ARTURO GONZALEZ,
18 having been called as a prospective juror and, upon
19 his oath, was examined and testified as follows:

20 VOIR DIRE EXAMINATION

21 BY THE COURT:

22 THE COURT: And what name did you
23 recognize?

24 PROSPECTIVE JUROR: Arturo Gonzalez. I
25 work at the Harlingen PD. All of those people are

1 co-workers.

2 THE COURT: You were 152?

3 PROSPECTIVE JUROR: I believe so.

4 THE COURT: I'm sorry. You're not 152,
5 sir.

6 PROSPECTIVE JUROR: Shoot!

7 MR. PADILLA: 172.

8 PROSPECTIVE JUROR: Yes, 172.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR: And I work for
11 Harlingen P.D. as police officer.

12 THE COURT: So, would you tend to believe
13 them more than anybody else?

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: Would it influence you not to
16 be as fair and impartial as anybody else?

17 PROSPECTIVE JUROR: I believe so.

18 MR. PADILLA: May I question, Your Honor?

19 THE COURT: Yes, sir.

20 MR. PADILLA: So, Mr. Gonzalez, Let me ask
21 you this question, because you work with them and you are
22 associated with them, would you have a tendency to want to
23 believe their testimony more than if a defense witness
24 came up and testified to the contrary just based on the
25 fact that they are police officers and they work with you,

1 and you're associated with them?

2 PROSPECTIVE JUROR: Yes.

3 MR. PADILLA: Is that what you're telling
4 the Court?

5 PROSPECTIVE JUROR: Yes.

6 THE COURT: All right. Go ahead and sit
7 down.

8 (Panel Member excused at 3:39 p.m.)

9 REYNALDO L. LIMON,

10 having been called as a prospective juror and, upon
11 his oath, was examined and testified as follows:

12 VOIR DIRE EXAMINATION

13 BY THE COURT:

14 THE COURT: What was the number that you
15 were sitting on, sir? What was the number that you were
16 sitting on, sir?

17 PROSPECTIVE JUROR: Eighty-one, sir?

18 THE COURT: Eighty-one? Reynaldo Lozano
19 Limon?

20 PROSPECTIVE JUROR: Yes, sir.

21 THE COURT: What name did you recognize?

22 PROSPECTIVE JUROR: I know Mr. Jaime
23 Palafox, and Jose Lucio Palafox. They're police officers
24 in the Harlingen PD, and they're my nephews.

25 THE COURT: They're your nephews? Okay.

1 Would you tend -- would you have a tendency to believe
2 them more anyone else?

3 PROSPECTIVE JUROR: I probably would, yeah.
4 Probably so. I probably-- you know -- I would probably go
5 more on their side. You know what I mean?

6 THE COURT: Whose nephews are they? Are
7 they your wife's nephews?

8 PROSPECTIVE JUROR: They're my wife's
9 nephews, but I've known them since they were real small --

10 THE COURT: Are they your sister-in-law's,
11 or your brother-in-law's?

12 PROSPECTIVE JUROR: My sister-in-law's.

13 THE COURT: Your sister-in-law's? And you
14 saw them growing up?

15 PROSPECTIVE JUROR: Yes. I've been married
16 to my wife 29 years. I've been known them for a long,
17 long time.

18 THE COURT: In spite of that, you think if
19 you heard witnesses contradicting somebody else, that you
20 could be fair and impartial and treat them both the same?

21 PROSPECTIVE JUROR: I think it would
22 interfere with me making a decision, sir.

23 THE COURT: You think that interference
24 would carry with you throughout the trial?

25 PROSPECTIVE JUROR: Uh, probably so.

1 Probably, so sir. Why should I lie to you, sir? I don't
2 want to be placed on the spot. I know them very well.

3 MR. PADILLA: Can I question him?

4 PROSPECTIVE JUROR: Tell me, sir.

5 MR. PADILLA: Now, sir, in reference to --
6 if testimony was elicited from your nephews and there was
7 evidence from other witnesses contradicting that
8 testimony, is it your petition now, here, just based upon
9 the fact of the family relationship, that you would
10 automatically believe everything that both Mr. Palafoxes
11 would say, even if you heard evidence to the contrary?

12 PROSPECTIVE JUROR: I wouldn't say just
13 about everything. But I'm more than sure that I would
14 believe -- you can say more than 50 percent of what they
15 had to say.

16 MR. PADILLA: And not based upon the facts
17 as you heard them, but just based upon the fact that they
18 are -- That they are your nephews, per se. Because you
19 understand you're going to decide the case based upon the
20 facts.

21 PROSPECTIVE JUROR: Yeah, I understand
22 that.

23 MR. PADILLA: We just want to make sure.

24 PROSPECTIVE JUROR: I understand that, but
25 you know, I don't want it to interfere with me making a

1 decision later on and finding somebody guilty, and then
2 say, well -- you know -- because I believe in them more.
3 I don't want to be caught on the spot.

4 MR. PADILLA: And, again, there's no right
5 or wrong answer. But the question becomes: Would the
6 fact that they're family, that in and of itself, lead you
7 to believe their testimony more than another person,
8 another witness? And only you can make that answer.

9 PROSPECTIVE JUROR: Yeah. I'm pretty sure
10 it would.

11 THE COURT: Mr. Limon. I'm going to ask
12 you to go step down, but you will be excused.

13 (Panel Member excused at 3:45.)

14 PROSPECTIVE JUROR: All right. Thank you,
15 sir.

16 BRANDON O. HAEKE,
17 having been called as a prospective juror and, upon
18 his oath, was examined and testified as follows:

19 VOIR DIRE EXAMINATION

20 BY THE COURT:

21 THE COURT: Step forward, sir. What was
22 your number?

23 PROSPECTIVE JUROR: 313?

24 THE COURT: 315?

25 PROSPECTIVE JUROR: 313?

1 THE COURT: Okay. And whose name did you
2 recognize, sir?

3 PROSPECTIVE JUROR: Rolando Castaneda.

4 THE COURT: How do you know, Mr. Castaneda?

5 PROSPECTIVE JUROR: If we're talking about
6 the same one --

7 THE COURT: 315.

8 MR. PADILLA: 313, Your Honor.

9 THE COURT: 313.

10 PROSPECTIVE JUROR: I would like to
11 apologize for these shorts, sir. I've never been in a
12 court of law.

13 THE COURT: That's quite all right. It
14 bothers other judges more than it does me.

15 PROSPECTIVE JUROR: At least I don't have
16 to worry about as much. If it's the same one we're
17 talking about, I went to school with him.

18 THE COURT: What does he do now?

19 PROSPECTIVE JUROR: He goes to college.

20 THE COURT: No. This is a Texas Ranger.

21 PROSPECTIVE JUROR: His dad is Rolando
22 Castaneda. Yeah. It's the same one. He lives like down
23 the street from me, on Buena Vista.

24 THE COURT: Does that mean you could not be
25 fair and impartial to anybody else?

1 PROSPECTIVE JUROR: I would like to say I
2 would be impartial. But I mean, I played T-Ball with his
3 son as a kid. And I know his daughter. I don't think if
4 I could -- I don't know if I could be 100 percent
5 impartial.

6 THE COURT: Sir, now, again, the question
7 then becomes, if you hear testimony from Mr. Castaneda,
8 would the fact that you know him, or know his son, would
9 you give greater weight to that evidence, or would you
10 look at all of the evidence and decide on the issue of
11 guilt or innocence. And if necessary, the issue of
12 punishment?

13 PROSPECTIVE JUROR: Yeah, I would like to
14 say that I wouldn't put any greater emphasis on any of his
15 statements.

16 THE COURT: Uh-huh.

17 PROSPECTIVE JUROR: -- but I couldn't
18 guarantee that. I couldn't.

19 THE COURT: But you would give your word to
20 us, that if you do serve, you will treat each witness the
21 same, you will listen to all of the evidence elicited from
22 each of the witnesses, and base your decision, again, on
23 what you feel in your heart is the right side to take
24 concerning that testimony?

25 PROSPECTIVE JUROR: I mean, I wouldn't try

1 to do it any other way. I'm just saying --

2 THE COURT: Mr. Gilman, do you have any
3 questions, sir.

4 MR. GILMAN: Would your frame mind you
5 feel --

6 THE REPORTER: I'm sorry. I can't hear
7 you.

8 MR. GILMAN: Do you feel you could be fair
9 and impartial -- as fair as what and impartial is -- if
10 you were accused of something, the way you would want a
11 juror to be?

12 PROSPECTIVE JUROR: I'd like to say that
13 but I can't be 100 -- 110 -- I can't be 100 percent
14 positive. I mean, that's -- I wouldn't want to play it
15 any other way. I'd be fair and even. Of course. But I
16 can't exactly guarantee it. I mean, it wouldn't be
17 intentional, of course.

18 THE COURT: Go ahead and sit down. We'll
19 let you know later.

20 (Excused at 3:50 p.m.)

21 THE COURT: Gentlemen?

22 MR. PADILLA: He's so far down the line I
23 don't think we'll get to him.

24 MR. GILMAN: I can't guarantee an
25 objection. Maybe I'll make an objection, or maybe the sun

1 will shine tomorrow.

2 THE COURT: I understand, Mr. Gilman. But
3 he's so far down the list we won't worry about him.

4 MR. PADILLA: We'll leave him on.

5 ROSALINDA CRUZ,
6 having been called as a prospective juror and, upon
7 her oath, was examined and testified as follows:

8 VOIR DIRE EXAMINATION

9 THE COURT: Yes, ma'am? Step forward.
10 What was your number?

11 PROSPECTIVE JUROR: I'm sorry?

12 THE COURT: Where were you sitting? What's
13 your number?

14 PROSPECTIVE JUROR: 249.

15 THE COURT: Good. That's what we needed.
16 Thank you.

17 MR. PADILLA: Okay. Thank you ma'am.

18 PROSPECTIVE JUROR: You're welcome.

19 THE COURT: You are Rosalinda De La Cruz?

20 PROSPECTIVE JUROR: Yes, sir.

21 THE COURT: And whose name did you
22 recognize?

23 PROSPECTIVE JUROR: Mister -- excuse me.
24 He's a Texas Ranger. Victor Escalon?

25 THE COURT: How do you know him?

1 PROSPECTIVE JUROR: I baby sat for them.

2 THE COURT: Do you?

3 PROSPECTIVE JUROR: Uh-huh.

4 THE COURT: Would you take his word above
5 everybody else's?

6 PROSPECTIVE JUROR: I have respect for the
7 law.

8 THE COURT: The issue is whether or not you
9 can be fair and impartial. Would your knowledge of him
10 influence you to the point that you don't think that you
11 would be open minded, and be fair and impartial.

12 PROSPECTIVE JUROR: (shrugs shoulders).

13 THE COURT: You tell us. You're the only
14 one that knows.

15 PROSPECTIVE JUROR: I guess, it's how
16 one -- how one lives.

17 THE COURT: I'm sorry?

18 PROSPECTIVE JUROR: I guess it's how one
19 lives. I guess. Do you understand me?

20 THE COURT: No, ma'am, I don't. The
21 question is -- everybody wants to know whether or not you
22 could be fair and impartial to the State. If you know Mr.
23 Escalon is one of the State's witnesses, and then, of
24 course, you'll be impartial to them. But the State
25 doesn't know whether you can be fair and impartial to

1 their side. That's their concern.

2 PROSPECTIVE JUROR: Well, I hope to be.

3 MR. GILMAN: Are you going to give any
4 greater weight to his testimony than you would to any
5 other witness that takes the stand?

6 PROSPECTIVE JUROR: Well, I know him. Do
7 you understand what I mean? I baby sat, and took care of
8 his kids.

9 THE COURT: So would you give greater
10 weight to what he says?

11 PROSPECTIVE JUROR: I would take it into
12 consideration.

13 THE COURT: Step forward a little bit,
14 because the reporter needs to be able to hear you.

15 PROSPECTIVE JUROR: I'm sorry.

16 MR. GILMAN: We're not talking about this
17 case, but can you find an individual not guilty in a case
18 where he would be a witness, for the State?

19 MR. PADILLA: Judge, that's overly broad,
20 Judge.

21 THE COURT: I'm going to allow it.

22 MR. PADILLA: The Court has allowed it.
23 She can answer his question if she wants to.

24 MR. GILMAN: Do you understand it?

25 PROSPECTIVE JUROR: No.

1 MR. GILMAN: Okay. If he were a witness
2 for the State, would you have any problem if you felt that
3 the defendant in a particular case -- not this case -- but
4 a defendant in a particular case was not guilty reaching a
5 decision of not guilty even though you know Mr. Escalon,
6 and he was a witness for the State, could you do that?

7 PROSPECTIVE JUROR: (shaking head in the
8 negative form).

9 THE COURT: You're shaking your head.

10 PROSPECTIVE JUROR: Well, it's all about
11 evidence and facts, and being open minded --

12 THE COURT: Exactly, exactly. That's what
13 it's about.

14 PROSPECTIVE JUROR: I think it would be
15 based on that.

16 THE COURT: Could you be fair and
17 impartial?

18 PROSPECTIVE JUROR: I have to be open
19 minded?

20 THE COURT: Yes, ma'am.

21 PROSPECTIVE JUROR: That's what I have to
22 be?

23 THE COURT: Yes, ma'am. Can you do that?

24 PROSPECTIVE JUROR: I believe so.

25 THE COURT: Even though Mr. Escalon might

1 testify for one side or the other?

2 PROSPECTIVE JUROR: It's all about evidence
3 and facts, and everything.

4 THE COURT: Yes, ma'am. You may take a
5 seat. Thank you.

6 (Excused at 3:56 p.m.)

7 DELIA CONTRERAS,
8 having been called as a prospective juror and, upon
9 her oath, was examined and testified as follows:

10 VOIR DIRE EXAMINATION

11 BY THE COURT:

12 THE COURT: Which number were you sitting
13 on?

14 PROSPECTIVE JUROR: 169.

15 THE COURT: And you are Delia Contreras?

16 PROSPECTIVE JUROR: Yes.

17 THE COURT: What name did you recognize?

18 PROSPECTIVE JUROR: Sergeant Hector Leal.

19 THE COURT: Hector Leal? How do you know
20 Mr. Leal?

21 PROSPECTIVE JUROR: Because my husband is a
22 retired police officer from Harlingen Police Department.

23 THE COURT: And how well do you know
24 Mr. Leal?

25 PROSPECTIVE JUROR: About ten years.

1 THE COURT: And could you be fair and
2 impartial to both sides if Mr. Leal was testifying for one
3 party? Could you vote for the other party if you thought
4 the evidence was there? You shook your head. You got to
5 say it out loud, ma'am.

6 PROSPECTIVE JUROR: Yeah, I can be fair.

7 THE COURT: You can be fair?

8 PROSPECTIVE JUROR: Uh-huh.

9 MR. GILMAN: This is a Harlingen Police
10 Department case. Because your husband is a retired police
11 officer, and you know some of the police officers that are
12 going to be testifying --

13 PROSPECTIVE JUROR: Right.

14 MR. GILMAN: -- can you, in such a case --
15 and not necessarily this case -- where the Harlingen
16 Police Department is acting, can you find somebody not
17 guilty?

18 PROSPECTIVE JUROR: Well I don't think I
19 should --

20 MR. GILMAN: Against what the police are
21 saying?

22 PROSPECTIVE JUROR: Right.

23 MR. PADILLA: Can I ask a question?

24 THE COURT: Wait a minute. Let her answer.

25 PROSPECTIVE JUROR: I don't think I should.

1 THE COURT: You don't think you should?
2 Why not?

3 PROSPECTIVE JUROR: I mean, being the case
4 that the police officers are testifying --

5 THE COURT: Yes, ma'am. The question is:
6 Can you be fair and impartial to both sides?

7 PROSPECTIVE JUROR: Yes.

8 THE COURT: And you're the only one that
9 can answer that. And the question that everybody wants to
10 know --

11 PROSPECTIVE JUROR: Uh-huh.

12 THE COURT: -- whether your association
13 with your husband, and his friends, Captain Leal, are
14 going to influence you so much that you can not be fair
15 and impartial to both sides? That's the question.

16 PROSPECTIVE JUROR: Yes, I can.

17 THE COURT: You can be fair and impartial.

18 PROSPECTIVE JUROR: I can be fair and
19 impartial.

20 THE COURT: Okay. Well, just go sit back
21 down.

22 (Excused at 3:58 p.m.)

23 YOLANDA TORRES,
24 having been called as a prospective juror and, upon
25 her oath, was examined and testified as follows:

VOIR DIRE EXAMINATION

BY THE COURT:

THE COURT: Yes, ma'am?

PROSPECTIVE JUROR: Juror No. 6, Yolanda
Torres.

THE COURT: Yolanda Torres. Yes ma'am?

PROSPECTIVE JUROR: I don't know any of the
witnesses, Judge -- I don't think I do -- but my thing is,
I'm totally against the death penalty, and I'm totally
against that. So I don't know whether that has anything
to do with that --

THE COURT: Well, the question here is
whether or not you can answer questions. You will never
be told what the results of your decisions are.

PROSPECTIVE JUROR: Okay.

THE COURT: And what you do, is, you answer
the questions -- the fact questions --

PROSPECTIVE JUROR: Uh-huh.

THE COURT: -- the Court will apply
whatever the logical, or legal consequence of that is.

PROSPECTIVE JUROR: Okay.

THE COURT: So you don't say death or not
death.

PROSPECTIVE JUROR: Okay.

THE COURT: You just have to answer some

1 fact questions.

2 PROSPECTIVE JUROR: All right.

3 THE COURT: Can you do that.

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: Mr. Padilla? Go ahead, sir.

6 MR. PADILLA: I just want to verify: She
7 said that she was totally against the death penalty?

8 THE COURT: That's what she said.

9 PROSPECTIVE JUROR: Yes.

10 MR. PADILLA: That's all I want to know.

11 THE COURT: Thank you very much. Go ahead
12 and sit down.

13 (Excused at 4:00 p.m.)

14 CYNTHIA VARGAS,

15 having been called as a prospective juror and, upon
16 her oath, was examined and testified as follows:

17 VOIR DIRE EXAMINATION

18 BY THE COURT:

19 PROSPECTIVE JUROR: I need clarity on the
20 Max Lopez name. What is his full name?

21 MR. GILMAN: What's your number?

22 PROSPECTIVE JUROR: 186.

23 THE COURT: Thank you.

24 PROSPECTIVE JUROR: Sorry.

25 THE COURT: Max Lopez is --It's on your

1 list.

2 MR. PADILLA: Can I look?

3 THE COURT: Yes, please.

4 MR. GILMAN: Max Lopez is a supervisor with
5 EMS.

6 PROSPECTIVE JUROR: I know a Max Lopez, but
7 his first name is "Julio" Max Lopez. And he lives in
8 Brownsville.

9 MR. PADILLA: Does he work for EMS?

10 PROSPECTIVE JUROR: No. He works in
11 Harlingen at Texas Visiting Nurseries.

12 THE REPORTER: What was her name for the
13 record?

14 THE COURT: Cynthia Vargas, Number 186.

15 MR. PADILLA: Do we get introduced next?

16 MR. GILMAN: Oh, we can introduce
17 Mr. Padilla next, if he wants to be introduced.

18 MR. PADILLA: No, no.

19 **(End of bench conference.)**

20 THE COURT: I'm now going to read another
21 list. I understand. Bear with me. We're getting to the
22 end. Everybody who recognizes one of these names, please
23 stand up. Melissa Elizabeth Lucio, the defendant.

24 Mrs. Lucio? Would you care to stand up
25 just so they can see you, please? Thank you, ma'am.

1 Anybody else who knows her, or has met her? Melissa
2 Elizabeth Lucio. Robert Alvarez? Doctor John Pinkerman.
3 Norma Villanueva? Doctor Jose Kuri? Sonia Chavez? Diana
4 Cerda? Richard Carr? Ollie Trevino? Rene Trevino?

5 I'm going to go through another list of
6 witnesses. Some jurors walked in. Is there anybody else
7 out there? There are other jurors out?

8 THE BAILIFF: Yes. There are three that
9 are out.

10 THE COURT: All right. Let's wait till the
11 rest of the come in. Be seated, and I'll read the names
12 all over again, but we need all of them in here. I'm
13 sorry.

14 Please page all of the jurors to come back
15 in, please.

16 **(Discussion off the record at the bench.)**

17 THE COURT: There she is. Oh, there's two
18 more. Is that it? One more. Okay. There we go. One
19 more?

20 From now on, please don't leave. Just bear
21 with us just a little bit.

22 Let me go through them again. The names
23 that I want you to stand up, if you recognize them,
24 please:

25 Melissa Elizabeth Lucio, Robert Alvarez,

1 Doctor John Pinkerman, Norma Villanueva, Doctor Jose Kuri,
2 Sonia Chavez, Diana Cerda, Richard Carr, Ollie Trevino,
3 Rene Trevino, Daniella Lucio, John Lucio, Alexandria Lucio
4 Selena Lucio, Rene Alvarez, Richard Alvarez, Robert
5 Alvarez, Gabriel Alvarez, Adriana Alvarez?

6 I'm going to read them one more time. Sara
7 Alvarez -- if you if you recognize -- ma'am? If you
8 recognize any of these names please stand up. One last
9 time: Melissa Lucio? Are you listening?

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: The last juror that just walked
12 in?

13 PROSPECTIVE JUROR: Yes.

14 THE COURT: Okay. You if you recognize any
15 of these names, please stand up.

16 Melissa Elizabeth Lucio, Robert Alvarez,
17 Doctor John Pinkerman, Norma Villanueva, Doctor Jose Kuri,
18 Sonia Chavez, Diana Cerda, Richard Carr, Ollie Trevino,
19 Rene Trevino, Daniella Lucio, John Lucio, Alexandria Lucio
20 Selena Lucio, Rene Alvarez, Richard Alvarez, Robert
21 Alvarez, Gabriel Alvarez, Adriana Alvarez, or Sara
22 Alvarez?

23 PROSPECTIVE JUROR: No.

24 THE COURT: Okay. Now if your association
25 with any of the people we read out -- those of you who are

1 standing -- the question is, whether you know them so well
2 that it would influence how you would hear the evidence,
3 or how you make your decision? The question here,
4 ultimately, is whether you can be fair and impartial. And
5 sometimes you know somebody so well that you have a
6 tendency to take what they say as gospel, regardless of
7 whether it's true or not. But because they said it, it
8 has so much weight that you wouldn't listen to anything
9 else? If any of you feel that way, please step forward to
10 the front? If you don't feel that way, you can sit down.
11 If you have any hesitation at all, please step forward.

12 **LISA MARINA RIOS,**

13 **having been called as a prospective juror and, upon**
14 **her oath, was examined and testified as follows:**

15 **VOIR DIRE EXAMINATION**

16 **BY THE COURT:**

17 THE COURT: Doctor John Pinkerman?

18 PROSPECTIVE JUROR: That would be it.

19 THE COURT: And what's your name?

20 PROSPECTIVE JUROR: Lisa Marina Rios.

21 THE COURT: I'm sorry. Where were you
22 sitting 14? What's your number.

23 PROSPECTIVE JUROR: 20942.

24 THE COURT: Lisa Marina Rios?

25 PROSPECTIVE JUROR: That's right.

1 THE COURT: And how do you know Doctor John
2 Pinkerman?

3 PROSPECTIVE JUROR: He's my marriage
4 therapist and I've been going to him for about two years.

5 THE COURT: Counselor?

6 PROSPECTIVE JUROR: Marriage counselor.
7 And, yes. I listen to him.

8 THE COURT: Well, the question is --

9 PROSPECTIVE JUROR: I don't listen to my
10 husband, but I listen to him.

11 THE COURT: That happens a lot. Whether we
12 go to counseling or not, that happens a lot.

13 Let's see -- the question here, is:
14 Whether or not you could would fair and impartial to both
15 sides, regardless of what he said?

16 PROSPECTIVE JUROR: With what Doctor
17 Pinkerman said? I don't think I could be fair. You
18 wouldn't want me.

19 THE COURT: You don't think that you could
20 be fair to both sides?

21 PROSPECTIVE JUROR: What Doctor Pinkerman
22 would say? It definitely would influence me. I mean,
23 there's no doubt. I've known him for at least two years
24 every week. It hasn't worked, though.

25 THE COURT: Mr. Gilman?

1 MR. GILMAN: I don't have any questions.

2 THE COURT: Mr. Padilla? Any questions?

3 MR. PADILLA: Well, what you're telling us,
4 ma'am, if you heard evidence from Doctor Pinkerman --

5 PROSPECTIVE JUROR: From Doctor
6 Pinkerman --

7 MR. PADILLA: -- that you'll be more
8 inclined to believe his story --

9 PROSPECTIVE JUROR: Oh, definitely.

10 MR. PADILLA: -- simply because you know
11 him?

12 PROSPECTIVE JUROR: Absolutely.

13 MR. PADILLA: No objections, Judge.

14 THE COURT: You may go ahead and sit back
15 down. Chances are, you're going to be excused.

16 PROSPECTIVE JUROR: Okay.

17 DANIEL VILLALON,
18 having been called as a prospective juror and, upon
19 his oath, was examined and testified as follows:

20 VOIR DIRE EXAMINATION

21 BY THE COURT:

22 THE COURT: Step forward, sir. What was
23 your number?

24 PROSPECTIVE JUROR: Fifty-one.

25 THE COURT: Fifty-one? You are Mr. Daniel

1 Villalon?

2 PROSPECTIVE JUROR: Yes.

3 THE COURT: And how do you know
4 Dr. Pinkerman?

5 PROSPECTIVE JUROR: Okay. I've known him
6 for many years. His company, one of his company here --
7 Senior Connections --

8 THE COURT: What's the name of the company?

9 PROSPECTIVE JUROR: Senior Connections.

10 THE COURT: Senior Connections?

11 PROSPECTIVE JUROR: And they would go to
12 our place, to our nursing home, and I know him personally
13 also.

14 THE COURT: Okay. But I guess the question
15 here is whether you can be fair and impartial to both
16 sides, even though you know him?

17 PROSPECTIVE JUROR: Well, I'm going to
18 believe whatever he says, because I also saw him as a
19 patient.

20 THE COURT: Okay. If in fact the evidence
21 showed one way or the other regardless of what he said,
22 can you be fair and impartial to both sides?

23 PROSPECTIVE JUROR: That's the question. I
24 really don't know, sir, if I could be fair.

25 THE COURT: Mr. Padilla?

1 MR. PADILLA: Sir, the question is this:
2 If evidence was presented to you where Mr. Pinkerman took
3 one position and another party took a different position,
4 would you be inclined to believe the doctors, first
5 simply, because you know him, you know of him, and you
6 know -- just that relationship in and of itself?

7 PROSPECTIVE JUROR: Yeah, I think it would.
8 Yes, sir.

9 MR. PADILLA: Okay.

10 THE COURT: You may sit down?

11 PROSPECTIVE JUROR: Sit down?

12 THE COURT: Sit back down.

13 **(Excused at 4:13 p.m.)**

14 THE COURT: I'm not going to introduce all
15 of the attorneys. I know these two gentlemen, but you've
16 go a bevy of attorneys.

17 MR. PADILLA: Oh, no, no. Just three
18 attorneys. Mr. Villalobos, myself, and Mrs. De Ford. Oh,
19 yeah, and Mr. Krippel.

20 THE COURT: Mrs. De Ford? What's your
21 first name?

22 MS. DE FORD: Maria De Ford.

23 THE COURT: Maria De Ford? I always
24 thought it was Ford.

25 **(end of bench conference.)**

1 THE COURT: Finally, the attorneys are
2 going to be here. The question is whether or not you
3 would give more weight to one attorney or the other, or
4 you would not consider all the evidence and be fair and
5 impartial, because of your relationship to them?
6 Ultimately, that's really the question. We are always
7 trying to find fair and impartial jurors.

8 The State is being represented -- of
9 course, Armando Villalabos, is our district attorney.

10 MR. VILLALOBOS: Good afternoon.

11 THE COURT: Alfredo Padilla?

12 MR. PADILLA: Good afternoon.

13 THE COURT: And Maria De Ford?

14 143 Pledge of Allegiance Good afternoon.

15 THE COURT: And Mr. Joe Krippel?

16 MR. KRIPPEL: Good afternoon.

17 THE COURT: Any of you who know them,
18 please stand up. And you, ladies and gentlemen, may sit
19 down.

20 Now the question, again, is whether or not
21 you can be fair and impartial? That's ultimately the
22 question. If there's any doubt in your mind with regards
23 to anything, whether you could be fair and impartial to
24 both sides, if you have any questions with regards to that
25 please step forward and form a line here. If you know

1 them but you feel in your heart you could be fair and
2 impartial to everybody, then you can sit down.

3 Step forward, ma'am.

4
5 **(Discussion on the record at the bench.)**

6 MR. GILMAN: Judge, with regard to those
7 people, I would like to know if anyone have hired
8 Mr. Padilla.

9 THE COURT: I'll do that.

10 MR. PADILLA: What?

11 MR. GILMAN: I want to know if any of the
12 jurors have hired you.

13 MR. PADILLA: In the past?

14 MR. GILMAN: Yes.

15 **(End of bench conference.)**

16 **(Excused at 4:16 p.m.)**

17 **DEBRA ANN SALINAS-CANALES**

18 **having been called as a prospective juror and, upon**
19 **her oath, was examined and testified as follows:**

20 **VOIR DIRE EXAMINATION**

21 **BY THE COURT:**

22 THE COURT: What number were you?

23 PROSPECTIVE JUROR: I'm sorry.

24 THE COURT: What number were you?

25 PROSPECTIVE JUROR: Oh, my gosh!

1 THE COURT: 235. 235 and who do you know?

2 PROSPECTIVE JUROR: I know Al Padilla and
3 Armando Villalobos.

4 THE COURT: And how do you know them. I'm
5 sorry that you know them, but how do you know them?

6 PROSPECTIVE JUROR: Mando's wife is a real
7 good friend of mine. And Al Padilla, I went for personal
8 advice.

9 THE COURT: So he's been your attorney?

10 PROSPECTIVE JUROR: Kind of.

11 MR. PADILLA: Yes, Your Honor.

12 THE COURT: Oh. It says "Saldana." It
13 doesn't say "Canales".

14 MR. PADILLA: She uses Saldana.

15 PROSPECTIVE JUROR: Actually, I don't know
16 why I did it like that. It's hyphenated.

17 MR. PADILLA: Oh, okay.

18 THE COURT: Debra Ann Saldana-Canales.

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: Now your husband was upstairs
21 saying that everybody would agree if we would release you.
22 I want you to know that I told him --

23 MR. GILMAN: Are you married to Rick?

24 PROSPECTIVE JUROR: Yes.

25 MR. GILMAN: My sympathies!

1 PROSPECTIVE JUROR: (laughing)

2 THE COURT: And I said either the husband
3 or the wife serves, so you decide. And he said: "Let her
4 serve." I'm joking!

5 PROSPECTIVE JUROR: Oh, okay. There'll be
6 no dinner tonight!

7 MR. GILMAN: So they control.

8 THE COURT: Mr. Gilman?

9 MR. GILMAN: I have no objections.

10 THE COURT: Any objections?

11 MR. PADILLA: No objections. I've been her
12 attorney in the past, representing her.

13 MR. GILMAN: I worked with her husband
14 sometimes. I want to make sure that he gets plenty of
15 food.

16 THE COURT: You're going to be excused, but
17 I'm going to ask you to please step down.

18 (Excused at 4:19 p.m.)

19 LAURA N. ROSALES,
20 having been called as a prospective juror and, upon
21 her oath, was examined and testified as follows:

22 VOIR DIRE EXAMINATION

23 THE COURT: Step forward, ma'am.

24 PROSPECTIVE JUROR: I don't know him
25 personally but I know two people that work for him but

1 it's nothing, like, personal.

2 THE COURT: What's your number?

3 PROSPECTIVE JUROR: Seventy-two. I talked
4 to him once in a while, but not anything personal, or
5 anything like that.

6 THE COURT: Is that going to influence you
7 in making a decision?

8 PROSPECTIVE JUROR: Ah (shrugs shoulders).

9 THE COURT: Could you be fair and impartial
10 to both sides?

11 PROSPECTIVE JUROR: I really don't know.

12 MR. GILMAN: What do you mean, you don't
13 know?

14 THE COURT: Well, if you're not sure.

15 PROSPECTIVE JUROR: Yeah, I'm not sure.

16 THE COURT: We'll take it up later.

17 MR. GILMAN: What two people do you know in
18 the district attorney's office?

19 PROSPECTIVE JUROR: I don't know them
20 personally. It's Mr. Jaime Munivez, and Mr. Reynaldo
21 Lopez. They work for him, I believe.

22 MR. PADILLA: Yes.

23 PROSPECTIVE JUROR: But I don't know them
24 personally, because of where I work at.

25 THE COURT: Where do you work at?

1 PROSPECTIVE JUROR: Economy Finance. It's
2 a loan company. And I just talk to him there. I don't
3 have anything personal outside of that.

4 THE COURT: But you could be fair and
5 impartial, couldn't you?

6 PROSPECTIVE JUROR: Yeah, I think I can.

7 THE COURT: Okay, thank you. ma'am. Sit
8 back down. Thank you.

9 (Panel Member excused at 5:20 p.m.)

10 OLGA RAMIREZ,
11 having been called as a prospective juror and, upon
12 her oath, was examined and testified as follows:

13 VOIR DIRE EXAMINATION

14 BY THE COURT:

15 THE COURT: Hi, Mrs. Ramirez. Nora Nelly
16 Ramirez, Number 72?

17 PROSPECTIVE JUROR: No. That's the wrong
18 one.

19 (Discussion off the record at the bench.)

20 THE COURT: What number were you?

21 PROSPECTIVE JUROR: 170.

22 THE COURT: 170. Olga G. Ramirez.

23 PROSPECTIVE JUROR: Through my job with
24 juvenile -- with adult probation department, rather, I
25 come in contact with every one here. I feel like I can be

1 impartial, but I do come in contact with every one.

2 THE COURT: You feel you could be
3 impartial?

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: Mr. Gilman, any questions?

6 MR. GILMAN: No.

7 THE COURT: Please sit down.

8 ROSITA LEAL,
9 having been called as a prospective juror and, upon
10 her oath, was examined and testified as follows:

11 VOIR DIRE EXAMINATION

12 BY THE COURT:

13 THE COURT: What number are you?

14 PROSPECTIVE JUROR: Number 205.

15 THE COURT: I'm sorry Rosita Leal. And who
16 do you know, ma'am.

17 PROSPECTIVE JUROR: Actually, personally I
18 don't know -- but my sister is Yolanda De Leon --

19 THE COURT: Yes, ma'am?

20 PROSPECTIVE JUROR: -- and I could be
21 partial and I don't think it's either fair to the accused
22 or the child that requires justice. I would not be
23 impartial and be able to be fair to them. No way. Not at
24 this time.

25 THE COURT: Okay. Any objections?

1 MR. GILMAN: No.

2 THE COURT: We're going to go ahead and
3 excuse you, but I'm going to ask you to please sit down.

4 (Panel member excused at 4:23 p.m.)

5 PROSPECTIVE JUROR: Okay. Thanks.

6 THE COURT: Now, also, at the other table,
7 we have the Honorable Pete Gilman and Adolfo Cordova.

8 MR. CORDOVA: Good afternoon.

9 MR. GILMAN: Good afternoon.

10 THE COURT: Mr. Padilla is upset, because I
11 didn't call him "Honorable." I don't have to see him, but
12 I can hear him mumbling.

13 MR. PADILLA: I've been called less than
14 that, Judge. (laughing)

15 THE COURT: Mr. Padilla, and Mr. Gilman and
16 have been practicing -- right around 30 years together.
17 Different times on the same side, and different times
18 opposing. Now I'm a judge, and it's kind of a different
19 role. So if we kind of joke with each other, we don't
20 mean any disrespect to the process, or any disrespect for
21 you. Everybody does their job, and does it well.

22 The question here, though is, though: Do
23 anyone of you know Mr. Adolfo Cordova, or Mr. Pete Gilman?

24 PROSPECTIVE JUROR: I feel like a yoyo
25 here.

1 THE COURT: And Mr. Huff knows everybody.
2 Thirty years ago when I was municipal judge, Mr. Huff used
3 to work with me.

4 Now, the question, again, is: Is there
5 anything in that relationship that might influence how you
6 look at things? And, first of all, how many of you have
7 been either Mr. Cordova's or Mr. Gilman's clients? Okay.
8 Please call out your name, please, sir.

9 PROSPECTIVE JUROR: Huff.

10 THE COURT: I know Mr. Huff. What's your
11 number?

12 PROSPECTIVE JUROR: Ah, 18?

13 THE COURT: Eighteen? Back there, what's
14 your number, sir?

15 PROSPECTIVE JUROR: 117.

16 THE COURT: 117?

17 PANEL MEMBERS: 117.

18 THE COURT: I'm sorry. 117? I apologize.
19 One hundred seventeen. Somebody else? Whose client were
20 you then?

21 PROSPECTIVE JUROR: Mr. Cordova's.

22 THE COURT: Okay. And what's your number?

23 PROSPECTIVE JUROR: One hundred fifteen.

24 THE COURT: You ma'am? 112?

25 PROSPECTIVE JUROR: Yes.

1 THE COURT: And whose client were you?

2 PROSPECTIVE JUROR: Mr. Gilman.

3 THE COURT: Mr. Gilman. Now, the question
4 is -- yes, sir?

5 THE COURT: Two hundred seventy-four.

6 PROSPECTIVE JUROR: Two hundred
7 seventy-four.

8 THE COURT: Two, seventy-four? And whose
9 client were you?

10 PROSPECTIVE JUROR: Mr. Gilman's.

11 THE COURT: Yes, ma'am? Mrs. Ortega,
12 what's your number?

13 PROSPECTIVE JUROR: One hundred
14 twenty-eight.

15 THE COURT: One hundred twenty-eight.

16 PROSPECTIVE JUROR: Number 12, Adolfo
17 Cordova.

18 PROSPECTIVE JUROR: 171, Mr. Cordova.

19 THE COURT: 171, Mr. Cordova. Now the
20 question was -- just as it was before -- is there anything
21 in that relationship that would cause you to believe one
22 side more than the other, that would prevent you from
23 being fair and impartial? If there's anything in that
24 relationship, I'm going to ask you to please form a line
25 in the middle?

1 (Discussion on the record at the bench.)

2 I'm going to do the same thing for y'all.

3 I'm going to ask you to stand up.

4 (End of bench conference.)

5 PETER R. LOUNSBERY,

6 having been called as a prospective juror and, upon

7 his oath, was examined and testified as follows:

8 VOIR DIRE EXAMINATION

9 BY THE COURT:

10 THE COURT: Yes, sir, step forward. What's
11 your number?

12 PROSPECTIVE JUROR: Seventy-seven.

13 THE COURT: Number 77. Yes, sir.

14 PROSPECTIVE JUROR: I have done businesses
15 with Mr. Gilman throughout the years as well as his wife
16 at his fire extinguisher company.

17 THE COURT: Is there anything else about
18 that relationship that would make you not be fair and
19 impartial?

20 PROSPECTIVE JUROR: I like him, and his
21 wife.

22 THE COURT: They're all likable. Mrs. De
23 Ford is likeable. Mr. Padilla is likeable. Mr. Cordova
24 is likeable. But the question is: Is there anything in
25 that relationship that would prevent you from being fair

1 and impartial?

2 PROSPECTIVE JUROR: Ah -- I trust him.
3 Really, I trust him.

4 THE COURT: I understand. And I trust all
5 of these attorneys. I really do. They're good attorneys.
6 Okay? The question, though, is: I could still be fair
7 and impartial and do my job --

8 PROSPECTIVE JUROR: I would have a hard
9 time with that.

10 THE COURT: Okay. Mr. Padilla. Any
11 questions?

12 MR. PADILLA: If he has a hard time, we
13 would ask that he be struck.

14 MR. GILMAN: That's fine, Judge.

15 THE COURT: I'm going to ask that you sit
16 down.

17 PROSPECTIVE JUROR: Can I leave?

18 THE COURT: No. Sit down. But you are
19 excused.

20 PROSPECTIVE JUROR: Okay.

21 **(Excused at 4:29 p.m.)**

22 **(End of bench conference.)**

23 THE COURT: Now, I have not done the same
24 thing to the other side. Just in the spirit of fairness,
25 anybody who has been a client of Mr. Al Padilla, Maria De

1 Ford, Joe Krippel, or the Honorable Armando Villalobos,
2 please stand up?

3 Olga Canales? You can sit down,
4 Mrs. Canales. We've dealt with yours.

5 Anybody else? Okay.

6 Mr. Gilman? Mr. Padilla? Please step
7 forward.

8 **(Discussion on the record at the bench.)**

9 THE COURT: My sense is, I think I've
10 covered all of the areas that I'm supposed to cover.

11 MR. PADILLA: The only issue that we're
12 going to have at this point, Judge, is, I think the Court
13 needs to inquire is the length this trial is expected to
14 take. In case anybody has any pressing matters in late
15 June, or July, that could make the Court aware of that.

16 MR. GILMAN: I think you can go into direct
17 evidence, as well as circumstantial evidence, because this
18 is a circumstantial evidence case.

19 THE COURT: I'm going to let you all do
20 that.

21 MR. PADILLA: We can argue that.

22 THE COURT: I'm going to let you all do
23 that in individual voir dire.

24 MR. PADILLA: I think we would be better
25 off if we can get them right now -- to see if anybody has

1 any pressing matters. Some people did say something, but
2 there might be others.

3 THE COURT: And, you're right.

4 **(End of bench conference.)**

5 THE COURT: Finally, the last thing, we're
6 going to be going through, basically, about two weeks of
7 what is known as individual voir dire. We're going to be
8 giving you cards with appointments on them in a little
9 bit. And then you're not going to have to come back until
10 your appointed time. So the next two, my guess, not more
11 than two and a half, to three weeks, is when that will
12 take place.

13 The trial will start after that. Now you
14 heard me read off the list of the witnesses. Each list
15 was for one side or the other. So, conceivably, this
16 trial, although, I'm told, it would only take a week, it
17 could go two or three weeks, so we could be going till the
18 end of June and the early part of July. Probably starting
19 in a couple of weeks.

20 If you have travel plans, medical
21 procedures or something that interferes with that
22 schedule, that would make you so preoccupied that you
23 could not concentrate during the case, then we need to
24 know about it.

25 Again I'm going to ask you to form a line

1 down the middle. Wait a minute. Wait a minute. This is
2 not a free ride.

3 ANIBEL JULIO CESTERO,
4 having been called as a prospective juror and, upon
5 his oath, was examined and testified as follows:

6 VOIR DIRE EXAMINATION

7 BY THE COURT:

8 THE COURT: What's the number?

9 PROSPECTIVE JUROR: 162.

10 THE COURT: (referring to the prospective
11 jurors) Remember the numbers you were sitting on, please!
12 162? What's the issue?

13 PROSPECTIVE JUROR: I'll be traveling next
14 week --

15 THE COURT: Anibel Julio Cestero.

16 PROSPECTIVE JUROR: Yeah. I will be in
17 Connecticut and New York --

18 THE COURT: Uh-huh.

19 PROSPECTIVE JUROR: -- for the week, if you
20 can schedule the interview for --

21 THE COURT: For later?

22 PROSPECTIVE JUROR: For Friday, I will be
23 available for Friday, or I'll be available the week after.

24 THE COURT: In all probability, it will be
25 that way.

1 PROSPECTIVE JUROR: Then that will be fine.

2 MR. GILMAN: Wait a minute, wait a minute.

3 Today is Wednesday. When you say "Friday," are you
4 talking about this coming Friday --

5 PROSPECTIVE JUROR: This coming Friday. I
6 have an engagement that I cannot get out of tomorrow.

7 MR. GILMAN: And all of next week you'll
8 be gone?

9 PROSPECTIVE JUROR: All of next week,
10 exactly, I'll be in Connecticut. Monday through Saturday.

11 MR. GILMAN: I just wanted to be sure.

12 MR. PADILLA: It would be sixteen days
13 before we got to him.

14 PROSPECTIVE JUROR: Okay.

15 THE COURT: That was 162, Anibel Julio
16 Cestero.

17 **ERMINIO CRUZ,**
18 **having been called as a prospective juror and, upon**
19 **his oath, was examined and testified as follows:**

20 **VOIR DIRE EXAMINATION**

21 **BY THE COURT:**

22 PROSPECTIVE JUROR: Seat Number Ten.

23 THE COURT: Number ten? Yes, sir. That's
24 Erminio Cruz.

25 PROSPECTIVE JUROR: If you want get me, you

1 can get me tomorrow. Those are the days I'll be gone.

2 THE COURT: How come?

3 PROSPECTIVE JUROR: Because I already got
4 plane tickets to go on the -- on the eighth -- I'm sorry
5 on the ninth, which is a week from this coming Monday?

6 THE COURT: Yes, sir.

7 PROSPECTIVE JUROR: I'll be gone. I
8 already got my plane tickets.

9 THE COURT: Where are you going?

10 PROSPECTIVE JUROR: I'm going to
11 California.

12 THE COURT: What for?

13 PROSPECTIVE JUROR: For family. Okay. On
14 the other -- but I'll be glad to serve -- I want to serve.
15 Just those days, I'm not going to be here. If you want to
16 come tomorrow, I'll come tomorrow.

17 THE COURT: We're not going to start the
18 interviews until next week.

19 PROSPECTIVE JUROR: Okay -- well -- and
20 then from the 15th to 20th, is my vacation which I already
21 got plane tickets, also.

22 MR. PADILLA: I think he's on the first
23 group on the Tenth. He'll be here on the June 2, or not?
24 Are you going to be gone June 2 or not?

25 MR. GILMAN: He's going to be gone from the

1 15th through the 20th. That would be right in the middle
2 of the trial -- right at the start of the trial.

3 PROSPECTIVE JUROR: I'm not trying to get
4 out of it. Like I said, I want to serve. But, like I
5 said, I already got plane tickets for that, sir.

6 THE COURT: And you will be able -- we
7 might be able to do that within the time, but we can't
8 guarantee it.

9 PROSPECTIVE JUROR: Yes, I understand it.

10 THE COURT: But you will have the interview
11 before the Tenth. Chances are it's on the 2nd or the
12 third. So we will get through the personal interview
13 early. I think we can do interview early, but the issue
14 is, when do start the trial date.

15 PROSPECTIVE JUROR: That's good. Because I
16 want to serve. I don't want to get off.

17 THE COURT: My sense is that we can do it.

18 MR. PADILLA: Have a seat, my friend.

19 REYNALDO CANTU,
20 having been called as a prospective juror and, upon
21 his oath, was examined and testified as follows:

22 VOIR DIRE EXAMINATION

23 BY THE COURT:

24 THE COURT: Come on forward, sir. What
25 number were you? Twenty-two?

1 PROSPECTIVE JUROR: Twenty-nine.

2 THE COURT: Twenty-nine? Reynaldo Cantu.
3 How can I forget.

4 PROSPECTIVE JUROR: Yes, sir. As a scout
5 master from Troop 25 in San Benito, I've already made
6 plans to take the boys to summer camp on June 22 for a
7 whole week. And I've already paid all the money in
8 advance, and --

9 THE COURT: That's the 22nd. So the
10 interview would be before then?

11 MR. PADILLA: On the 22nd.

12 THE COURT: I'm going to go ahead and
13 excuse you, but I'm going to ask you to please sit down.

14 PROSPECTIVE JUROR: Okay, thank you. I
15 appreciate it.

16 **BLANCA GOMEZ,**
17 **having been called as a prospective juror and, upon**
18 **her oath, was examined and testified as follows:**

19 **VOIR DIRE EXAMINATION**

20 **BY THE COURT:**

21 PROSPECTIVE JUROR: Number 31.

22 THE COURT: Thank you. Blanca Gomez?

23 PROSPECTIVE JUROR: Yes.

24 THE COURT: Yes, ma'am?

25 PROSPECTIVE JUROR: My husband has an

1 appointment in San Antonio at the V.A. hospital on
2 June 13.

3 THE COURT: June 13?

4 PROSPECTIVE JUROR: Yes. And since we only
5 have one vehicle --

6 THE COURT: Yes, ma'am. We can work around
7 that, ma'am.

8 PROSPECTIVE JUROR: Can you?

9 THE COURT: Is it just going to be just
10 that day?

11 PROSPECTIVE JUROR: Well, he's going for
12 therapy -- for injections in his back. He has a bad back.
13 And they disabled him recently. So we only have one
14 vehicle. So we have to travel. We have to take the girls
15 and-- you know --

16 THE COURT: I remember your situation,
17 Mrs. Gomez. I know. I remember it.

18 MR. PADILLA: Would you be able to stay
19 over for a couple of days?

20 PROSPECTIVE JUROR: Yeah, we would have to
21 leave like on a Thursday to be there on a certain day --
22 at a certain time.

23 MR. PADILLA: When will the next
24 appointment be after that?

25 PROSPECTIVE JUROR: I don't know. And if

1 he cancels -- you know -- by the time they reschedule --

2 MR. PADILLA: It's a long time.

3 MR. GILMAN: You're talking about two
4 weeks?

5 MS. DE FORD: It's at the V. A. hospital.

6 THE COURT: For medical reasons, I'm going
7 to probably excuse you.

8 PROSPECTIVE JUROR: I'm sorry. I didn't
9 hear you.

10 THE COURT: Step up here, please. I'm
11 going to excuse you, but I'm going to ask you to please
12 sit down.

13 PROSPECTIVE JUROR: Okay. Thank you,
14 Judge.

15 MARIA HELEN CRUZ,
16 having been called as a prospective juror and, upon
17 her oath, was examined and testified as follows:

18 VOIR DIRE EXAMINATION

19 PROSPECTIVE JUROR: I have vacation plans
20 from June 25 --

21 THE COURT: I'm sorry. What was your
22 number again?

23 PROSPECTIVE JUROR: 203.

24 THE COURT: I'm sorry. From what day to
25 what day?

1 PROSPECTIVE JUROR: June 25, through
2 July 2.

3 THE COURT: June 25 thru June 2. And where
4 are you going, ma'am?

5 PROSPECTIVE JUROR: Washington, D.C. and
6 Philadelphia.

7 MR. CORDOVA: We didn't hear the name.

8 THE COURT: I apologize. 203. Maria Helen
9 Cruz. June 25? I don't know if we're going to be done by
10 then.

11 MR. PADILLA: I don't think so, Your Honor.

12 THE COURT: Mrs. Cruz. I'm going to excuse
13 you, but I'm going to ask you sit down.

14 PROSPECTIVE JUROR: Excuse me?

15 THE COURT: I'm going to excuse you, but
16 I'm going to ask you to sit down.

17 (Excused at 4:43 p.m.)

18 ALEJANDRIA IDALIA ORTIZ,
19 having been called as a prospective juror and, upon
20 her oath, was examined and testified as follows:

21 VOIR DIRE EXAMINATION

22 BY THE COURT:

23 All right. Step forward, ma'am. What was
24 I couldn't recall number.

25 PROSPECTIVE JUROR: 194.

1 THE COURT: 194? 194, Alexandria Idalia
2 Ortiz.

3 PROSPECTIVE JUROR: Yes, sir.

4 THE COURT: Where are you going?

5 PROSPECTIVE JUROR: Summer vacation.

6 THE COURT: Where?

7 PROSPECTIVE JUROR: Fourth of July in San
8 Antonio.

9 THE COURT: And how long are you going to
10 be gone?

11 PROSPECTIVE JUROR: The weekend, and we'll
12 be back on Tuesday.

13 THE COURT: We're not going to have a trial
14 during the weekend.

15 PROSPECTIVE JUROR: Okay. But we're
16 leaving Friday.

17 THE COURT: You're leaving Friday.

18 PROSPECTIVE JUROR: Leaving Friday.

19 MR. PADILLA: July 4, or Saturday?

20 MRS. DE FORD: We'll be closed.

21 PROSPECTIVE JUROR: You'll will be closed.
22 For Monday, we'll be closed.

23 THE COURT: We'll be closed on Monday.

24 PROSPECTIVE JUROR: And on Monday, would be
25 my five days.

1 THE COURT: You'll be gone five days?
2 Well, the hope is that we'll be done by then but there's
3 no guarantee.

4 PROSPECTIVE JUROR: Okay.

5 THE COURT: And you're Number 194. I'm not
6 going to excuse you. But the likelihood is, we're never
7 going to get to you. Okay?

8 PROSPECTIVE JUROR: Okay.

9 REYMUNDO GARCIA,
10 having been called as a prospective juror and, upon
11 his oath, was examined and testified as follows:

12 VOIR DIRE EXAMINATION

13 BY THE COURT:

14 THE COURT: Step forward, sir. What was
15 your number?

16 PROSPECTIVE JUROR: 192.

17 THE COURT: 192. Reymundo Garcia?

18 PROSPECTIVE JUROR: Yes, sir.

19 THE COURT: Where are you going sir.

20 PROSPECTIVE JUROR: I'm not going nowhere.
21 But June 1, I start my internship with Outback Steak
22 House. From June 1, to June 30, I'm pretty much going to
23 take control of the restaurant. My hours are going to
24 shoot up to 70 a week during that month.

25 THE COURT: How is this going to affect

1 you?

2 PROSPECTIVE JUROR: Well, all of my
3 attention will have to be on the restaurant. I got to run
4 it the whole month, for two or three months during the
5 year. Budget schedule, committee meetings, commitments.
6 I'm pretty much going to run it without the owner. That's
7 part of my program to get promoted to become an owner in
8 two more years.

9 MR. GILMAN: I don't have any objections.

10 MR. PADILLA: We don't have any objections,
11 Your Honor.

12 THE COURT: You're going to be excused.
13 But sit back down.

14 PROSPECTIVE JUROR: Thank you, sir.

15 MARIA ALICIA MARTINEZ,
16 having been called as a prospective juror and, upon

17 VOIR DIRE EXAMINATION

18 BY THE COURT:

19 THE COURT: Step forward, ma'am. What was
20 your number?

21 PROSPECTIVE JUROR: 191.

22 THE COURT: Yes, ma'am?

23 PROSPECTIVE JUROR: I've got to two
24 dilemmas. I just got hired for summer school, which
25 starts June 9. And then we have a trip planned to be with

1 my parents which is the last week of June, which is the
2 end of summer school. It's a ten day trip.

3 THE COURT: And you've already been hired
4 for summer school?

5 PROSPECTIVE JUROR: Yes.

6 THE COURT: Which school will you be
7 working at?

8 PROSPECTIVE JUROR: Yturria Elementary.

9 THE COURT: When did you get word?

10 PROSPECTIVE JUROR: I have a letter from
11 the Homeless Youth Program, Mrs. Anna Clive. She'll be my
12 supervisor.

13 THE COURT: You're going to be excused.
14 But go ahead and sit down.

15 PROSPECTIVE JUROR: Okay. Thank you.

16 (Excused at 4:47 p.m.)

17 PATRICIA RINCON SORRELS,
18 having been called as a prospective juror and, upon
19 her oath, was examined and testified as follows:

20 VOIR DIRE EXAMINATION

21 BY THE COURT:

22 THE COURT: Next. What was your number,
23 ma'am?

24 PROSPECTIVE JUROR: 212.

25 THE COURT: Patricia Rincon Sorrels?

1 PROSPECTIVE JUROR: Yes. I have a trip
2 planned for the week of the ninth, prepaid.

3 THE COURT: Where at?

4 PROSPECTIVE JUROR: Vegas.

5 THE COURT: And how long are you going to
6 be there?

7 PROSPECTIVE JUROR: For a week, from the
8 ninth to -- whatever that Friday is. It's a Monday
9 through Friday.

10 THE COURT: Well, the reality is, we
11 probably won't get to you, ma'am.

12 PROSPECTIVE JUROR: Okay. And that's fine.
13 I just kind of --

14 THE COURT: Yeah, you're like 200 -- and we
15 probably will not get to you. Okay?

16 PROSPECTIVE JUROR: Okay. Thank you.

17 THE COURT: Thank you.

18 **BLAKE HUBBARD,**
19 **having been called as a prospective juror and, upon**
20 **his oath, was examined and testified as follows:**

21 **VOIR DIRE EXAMINATION**

22 **BY THE COURT:**

23 THE COURT: Yes, sir. Next? What was your
24 number?

25 PROSPECTIVE JUROR: 211.

1 THE COURT: Thank you, sir. Two hundred
2 eleven? Blake Hubbard?

3 PROSPECTIVE JUROR: Yes, sir.

4 THE COURT: What's up, sir?

5 PROSPECTIVE JUROR: I'm booked for two
6 trips June 18, to June 27 to be in Chicago. June 29
7 through July 4, in New York. That's business.

8 THE COURT: With who, sir?

9 PROSPECTIVE JUROR: I work with Valley
10 Baptist Health System.

11 THE COURT: Employment is not --

12 PROSPECTIVE JUROR: No, you asked if we had
13 trips booked, and I'm telling you I did.

14 THE COURT: Yeah, but this is not -- this
15 is a claimant. This is work related, isn't it?

16 PROSPECTIVE JUROR: Yes, it's a work
17 related trip. And I am representing the hospital in some
18 conferences.

19 THE COURT: Mr. Hubbard, it's a heck of a
20 thing when work-related trips take second chair to booked
21 vacations that people have. But, unfortunately --

22 PROSPECTIVE JUROR: I'm not asking to be
23 excused. You asked if anybody had travel arrangements.

24 THE COURT: I understand, Mr. Hubbard.

25 PROSPECTIVE JUROR: -- and I'm just letting

1 you know I have travel dates.

2 THE COURT: The reality is --

3 PROSPECTIVE JUROR: Ah, I don't like
4 airplanes.

5 THE COURT: I understand. The reality is
6 you're 211. Chances are, we won't get to you. That's the
7 reality of it. But I'm not going to excuse you.

8 PROSPECTIVE JUROR: No.

9 THE COURT: Thank you, Mr. Hubbard. Go
10 ahead and sit back down, sir.

11 REYNALDO S. SANCHEZ,
12 having been called as a prospective juror and, upon
13 his oath, was examined and testified as follows:

14 VOIR DIRE EXAMINATION

15 THE COURT: What was your number?

16 PROSPECTIVE JUROR: 255.

17 THE COURT: 255. Reynaldo Salvador
18 Sanchez? Yes, sir. I'm listening.

19 PROSPECTIVE JUROR: It's that I promise
20 with my son that I was going to take him the third week of
21 June to Six Flags if he passed to the next grade, and he
22 did, and I don't want to break that promise because he's
23 my only son, and he deserves it.

24 THE COURT: Yeah. But why does it have to
25 be with the third week? Are these tickets you already

1 bought.

2 PROSPECTIVE JUROR: I'm sorry?

3 THE COURT: Are they tickets that you've
4 already bought.

5 PROSPECTIVE JUROR: No, sir. But I'm going
6 to take him. I'm promised him, and I want to take him,
7 and I promised him, and I don't want to break my promise.

8 THE COURT: Mr. Sanchez? I understand.
9 255 -- chances are, we're not going to get to you, Mr.
10 Sanchez.

11 PROSPECTIVE JUROR: What's that?

12 THE COURT: Chances are, we're not going to
13 get to you.

14 PROSPECTIVE JUROR: Okay.

15 THE COURT: Okay? But you got all summer
16 to take him.

17 PROSPECTIVE JUROR: It's that I promised
18 him, and I don't want to break my promise.

19 THE COURT: And -- no -- and I'm not
20 telling you to break your promise. Its just a matter of
21 when.

22 PROSPECTIVE JUROR: He's my only son -- you
23 know?

24 THE COURT: I only have one son, too.
25 Believe me, I understand that. But we probably won't get

1 to you, Mr. Sanchez. Step forward, ma'am.

2 MR. KRIPPEL: Maria Cantu, a juror, just
3 approached me individually --

4 THE COURT: What number?

5 MR. KRIPPEL: I don't know what number she
6 is. I just looked at her name. And she asked if all of
7 the people who are willing to be served can be released
8 now.

9 THE COURT: No --

10 MR. KRIPPEL: Just a minute -- no. I'm
11 just disclosing what she told me.

12 THE COURT: Yes, sir.

13 MR. KRIPPEL: She asked me: "Can all
14 people who want to serve, just give their numbers and
15 leave? And I said: "I'll bring it to the judge's
16 attention, but I cannot have any conversation with you
17 without the district attorney. And I directed her back to
18 her seat, and I immediately came up here and told Your
19 Honor.

20 THE COURT: I appreciate it, Mr. KrippeL.
21 I trust you weren't going to anything underhandedly.

22 **MARIA DEL CARMEN ATKINSON,**
23 **having been called as a prospective juror and, upon**
24 **her oath, was examined and testified as follows:**

25 **VOIR DIRE EXAMINATION**

1 BY THE COURT:

2 THE COURT: Step forward, ma'am.

3 PROSPECTIVE JUROR: Seventy-four.

4 THE COURT: Seventy-four? Maria Del Carmen
5 Atkinson.

6 PROSPECTIVE JUROR: Uh-huh.

7 THE COURT: Where are you going?

8 PROSPECTIVE JUROR: June 26 is my 32nd
9 anniversary. We're going to Vegas.

10 THE COURT: To Vegas? You got tickets
11 already?

12 PROSPECTIVE JUROR: Yes.

13 THE COURT: Can I see them?

14 PROSPECTIVE JUROR: I don't have them with
15 me.

16 THE COURT: Can you bring them?

17 PROSPECTIVE JUROR: Yeah.

18 THE COURT: Already bought?

19 PROSPECTIVE JUROR: They've been purchased
20 on-line.

21 MR. GILMAN: It's her anniversary.

22 THE COURT: I know. I understand.

23 MR. PADILLA: Can we give her some money to
24 put it on the Black Jack table for us, Judge.

25 THE COURT: Go ahead and sit down. You'll

1 be excused.

2 MANUEL VELASQUEZ,

3 having been called as a prospective juror and, upon
4 his oath, was examined and testified as follows:

5 VOIR DIRE EXAMINATION

6 BY THE COURT:

7 THE COURT: Step forward, sir.

8 PROSPECTIVE JUROR: This is job related. I
9 am always out of town and I work.

10 THE COURT: Mr. Gomez. Right?

11 MR. PADILLA: 270.

12 THE COURT: Yeah. I didn't excuse anybody
13 for -- 270?

14 PROSPECTIVE JUROR: 270.

15 THE COURT: 273. Manuel Velasquez?

16 PROSPECTIVE JUROR: Yes.

17 THE COURT: It is job related.

18 PROSPECTIVE JUROR: I look for oil.

19 THE COURT: I'm sorry?

20 PROSPECTIVE JUROR: I look for oil.

21 THE COURT: That's not an excuse.

22 PROSPECTIVE JUROR: I have to go on June 9.

23 THE COURT: That's work related. You may
24 have to cancel it. Chances are, we're not going to get to
25 you, sir.

1 PROSPECTIVE JUROR: Oh, okay.

2 THE COURT: So take your questionnaire and
3 sit down.

4 JANETT P. SPEARMAN,
5 having been called as a prospective juror and, upon
6 her oath, was examined and testified as follows:

7 VOIR DIRE EXAMINATION

8 BY THE COURT:

9 THE COURT: Please step forward, please
10 ma'am. Hi.

11 PROSPECTIVE JUROR: Hi.

12 THE COURT: What was your number?

13 PROSPECTIVE JUROR: One hundred eighty-two.
14 I believe I know it was in the 80s. Janett Spearman.

15 THE COURT: There you are. You're Isabel
16 Longoria?

17 PROSPECTIVE JUROR: No. Janet Spearman.
18 I'm going to California.

19 THE COURT: Where you are going?

20 PROSPECTIVE JUROR: To California.

21 THE COURT: Isabel Longoria, 182?

22 MS. DE FORD: Janett Spearman.

23 PROSPECTIVE JUROR: No, Janett Spearman. I
24 know it was in the 80s.

25 THE COURT: Janet Spearman? Oh, there you

1 are. And you're going where.

2 PROSPECTIVE JUROR: To California.

3 THE COURT: To California.

4 PROSPECTIVE JUROR: We're going to a
5 conference.

6 THE COURT: A conference?

7 PROSPECTIVE JUROR: Yes, this Saturday.

8 THE COURT: And you'll be coming back when?

9 PROSPECTIVE JUROR: We'll be back in two
10 weeks. So I don't know if -- if you call me then.

11 MR. PADILLA: If we do it in two weeks,
12 right, we might get to 200.

13 THE COURT: We can get to it.

14 PROSPECTIVE JUROR: Okay. So you want me
15 to sit down and wait?

16 THE COURT: Yes, ma'am. You have the same
17 problem.

18 **NANCY RAMIREZ,**
19 **having been called as a prospective juror and, upon**
20 **her oath, was examined and testified as follows:**

21 **VOIR DIRE EXAMINATION**

22 **BY THE COURT:**

23 THE COURT: Your number, ma'am?

24 PROSPECTIVE JUROR: 197.

25 MR. CORDOVA: 137.

1 THE COURT: Yes, Mrs. Ramirez. Nancy
2 Ramirez.

3 PROSPECTIVE JUROR: I'm going to be out of
4 town, through the 15th.

5 THE COURT: How come?

6 PROSPECTIVE JUROR: I'm going to be
7 traveling and on vacation. And everything has been paid
8 for.

9 THE COURT: Who paid for it?

10 PROSPECTIVE JUROR: I did.

11 THE COURT: Okay. 137. Nancy Ramirez. We
12 might get to it before. I'm going to go ahead and excuse
13 you, but I'm going to ask you to sit down, please.

14 (Excused at 4:54 p.m.)

15 One hundred thirty-seven is excused.

16 ROGENNA LYNETTE ROBINSON,
17 having been called as a prospective juror and, upon
18 her oath, was examined and testified as follows:

19 VOIR DIRE EXAMINATION

20 BY THE COURT:

21 THE COURT: Hi, what's your number?

22 PROSPECTIVE JUROR: 139.

23 THE COURT: Oh, you're sitting together, so
24 you're coming together? Rogenna Lynette Robinson.

25 PROSPECTIVE JUROR: I am scheduling surgery

1 on the knee.

2 THE COURT: Oh, come on. For this Monday?

3 PROSPECTIVE JUROR: Yeah. So I
4 already know I am going to be off of work for the first
5 second or third, at least four weeks from work.

6 THE COURT: What is your surgery right now?

7 PROSPECTIVE JUROR: Having a hysterectomy.

8 THE COURT: I'm going to go ahead and
9 excuse you for medical reasons.

10 (Excused at 4:43 p.m.)

11 PROSPECTIVE JUROR: Oh, okay. Thank you.

12 THE COURT: But you have to sit down and
13 wait.

14 BRANDON O. HAECKE,
15 having been called as a prospective juror and, upon
16 his oath, was examined and testified as follows:

17 VOIR DIRE EXAMINATION

18 BY THE COURT:

19 Step forward, please. Yes, sir.

20 PROSPECTIVE JUROR: I work quite a bit for
21 16 weeks. I go into work at 4:00 in the afternoon. I
22 work at a restaurant. The restaurant closes at 12:00, I
23 get out about 1:00. I work at the bar, we close or 2:00
24 or 3:00.

25 THE COURT: Employment is not a reason,

1 sir. What's your number, sir.

2 PROSPECTIVE JUROR: Brandon Haecke?

3 THE COURT: Thirty-one. Chances are we're
4 not going to get to you.

5 We're probably not going to get you, but we
6 are probably not going to get to you but I'm not excusing
7 you for that reason.

8 Step forward, sir. Go back and sit down
9 please.

10 (excused at 4:45 p.m.)

11 ROBERTO HINOJOSA,
12 having been called as a prospective juror and, upon
13 his oath, was examined and testified as follows:

14 VOIR DIRE EXAMINATION

15 BY THE COURT:

16 THE COURT: What was your number, please?

17 PROSPECTIVE JUROR: 241. I am towards the
18 end. Border Patrol process. Where I will be working for
19 the county.

20 THE COURT: You haven't been selected yet?
21 You haven't heard from them?

22 PROSPECTIVE JUROR: No.

23 THE COURT: Okay. This is going to be
24 excellent training for that, Mr. Hinojosa.

25 PROSPECTIVE JUROR: Let me add, I am newly

1 unemployed, with a baby on the way.

2 THE COURT: Okay. If you get picked you
3 get paid at least \$40 a week, that's better than nothing.

4 PROSPECTIVE JUROR: But my training is
5 better than that.

6 THE COURT: You don't get paid for
7 training.

8 PROSPECTIVE JUROR: Yeah, but I got train.

9 THE COURT: Yeah. But you don't even get
10 paid for training. You are just training to get paid
11 right now.

12 PROSPECTIVE JUROR: But the training is a
13 big factor.

14 THE COURT: Oh, I know how big of a factor
15 it is, sir. That means you have to get up in the morning,
16 and jog, and late in the afternoon. And make sure you
17 don't get any shin splints, and condition your
18 cardiovascular as well.

19 PROSPECTIVE JUROR: But would I be able to
20 do that?

21 THE COURT: You might.

22 MR. GILMAN: Judge, there's a good chance
23 we're not going to get to you.

24 PROSPECTIVE JUROR: No. I'm just saying if
25 I'm able to do that, then I don't have a problem with

1 that.

2 THE COURT: I woke up at 5:30 this morning
3 and exercised.

4 Step forward, ma'am.

5 MS. DE FORD: Judge, we need the
6 gentleman's name.

7 THE COURT: I apologize.

8 PROSPECTIVE JUROR: Employment. I
9 apologize. That was Manuel Velasquez. What was her name?

10 DEPUTY CLERK: That was Robert Hinojosa.

11 THE COURT: I'm sorry. David Hinojosa --
12 241.

13 ROSA MARIA HINOJOSA,
14 having been called as a prospective juror and, upon
15 her oath, was examined and testified as follows:

16 VOIR DIRE EXAMINATION

17 BY THE COURT:

18 THE COURT: What is your number, ma'am?

19 PROSPECTIVE JUROR: 296. Rosa Maria
20 Hinojosa.

21 THE COURT: Rosa Maria Hinojosa? Okay.
22 What have you got planned?

23 PROSPECTIVE JUROR: Well, I am currently
24 employed and I go to school during the night. And I just
25 want to state for the record, I am enrolled for Summer

1 One, which is an online class. Which I have no problem
2 attending it here. Because, I'll be taking a few classes
3 go on the Internet for my summer one class. I just wanted
4 to let you know.

5 THE COURT: I think it's okay.

6 PROSPECTIVE JUROR: Since you're not
7 supposed to read or learn about other things?

8 THE COURT: No, not about this case. You
9 can read anything else you want.

10 PROSPECTIVE JUROR: Okay. I just wanted to
11 mention it for the record.

12 THE COURT: (referring to the panel as a
13 whole.) This line was only supposed to be only for people
14 who have travel plans with tickets already booked. It
15 keeps getting bigger instead of smaller. Yes. What was
16 your number?

17 **JAIME GOMEZ,**
18 **having been called as a prospective juror and, upon**
19 **his oath, was examined and testified as follows:**

20 **VOIR DIRE EXAMINATION**

21 **BY THE COURT:**

22 PROSPECTIVE JUROR: 274, Jaime Gomez. I am
23 a divorced parent -- and a single parent. I am going --
24 I'm going to get my GED in the summer. I live in Mission.
25 And I have to go to California. I have a 12 year old that

1 I have to take. She's in Special Ed, and I have to take
2 her during the day.

3 THE COURT: Mr. Gomez? The chances are
4 that we're never going to get to you.

5 PROSPECTIVE JUROR: I already know that,
6 but I --

7 THE COURT: Yeah, I understand, Mr. Gomez.

8 MR. GILMAN: He's so far down the line
9 that, we'll get the jury before we get to you.

10 THE COURT: All right?

11 MR. PADILLA: Why don't you excuse
12 everybody?

13 THE COURT: We're going to go ahead excuse
14 you, but go ahead and sit down.

15 (Excused at 4:59 p.m.)

16 JOSE ALBERTO FISCAL,
17 having been called as a prospective juror and, upon
18 his oath, was examined and testified as follows:

19 VOIR DIRE EXAMINATION

20 BY THE COURT:

21 THE COURT: Step forward, sir. Your
22 number?

23 PROSPECTIVE JUROR: 138. Yes. The only
24 thing that might interfere, is my wife is expecting.

25 And the doctor's appointment is -- we might

1 schedule for the first week of July.

2 THE COURT: Oh, I think we will be done by
3 then.

4 PROSPECTIVE JUROR: Yeah.

5 THE COURT: Well, then go ahead and just
6 sit down please, thank you. Yes, sir.

7 (Excused at 5:00 p.m.)

8 JOSE MANUEL REYES,
9 having been called as a prospective juror and, upon
10 his oath, was examined and testified as follows:

11 VOIR DIRE EXAMINATION

12 BY THE COURT:

13 THE COURT: What was your number?

14 PROSPECTIVE JUROR: That's a good question.

15 MR. PADILLA: What is your name?

16 THE COURT: Jose Manuel Reyes, Number 306.
17 Yes, sir?

18 PROSPECTIVE JUROR: Your Honor, it's
19 contracts that I have in the oil field, in the last week
20 of June.

21 THE COURT: Mr. Reyes? Chances are we're
22 never going to get to you.

23 PROSPECTIVE JUROR: You know, it is
24 stainless steel, and I don't think that anybody can handle
25 it with the Raymondville Independent School District.

1 THE COURT: I understand. But I don't
2 think we're ever going to get to you, Mr. Reyes.

3 MR. GILMAN: Just sit back and relax
4 chances are, we're not going to get to you.

5 PROSPECTIVE JUROR: Thank you.

6 (Excused at 5:02 p.m.)

7 SELENA HERNANDEZ,
8 having been called as a prospective juror and, upon
9 her oath, was examined and testified as follows:

10 VOIR DIRE EXAMINATION

11 BY THE COURT:

12 THE COURT: What is was your number.
13 Eighty-eight.

14 PROSPECTIVE JUROR: Yes, ma'am.

15 THE COURT: Eighty-eight, yes, ma'am.

16 PROSPECTIVE JUROR: 88.

17 THE COURT: Yes, ma'am?

18 PROSPECTIVE JUROR: I'm going to be out of
19 town. I have my flights already for Seattle.

20 THE COURT: What are you going to do in
21 Seattle, Selena Hernandez.

22 PROSPECTIVE JUROR: My brother he lives
23 there he works there. He hasn't seen me my mother, and my
24 other sister.

25 THE COURT: And what was the date?

1 PROSPECTIVE JUROR: June 18, through
2 June 30.

3 THE COURT: Through June 30? You got your
4 tickets already?

5 PROSPECTIVE JUROR: Yes.

6 THE COURT: I'm going to go ahead and
7 excuse you. But go ahead and sit down. I'm going to go
8 ahead and the excuse you Hernandez but go ahead and the
9 sit down.

10 (Excused at 5:08 p.m.)

11 ALBERTO REYES,
12 having been called as a prospective juror and, upon
13 his oath, was examined and testified as follows:

14 VOIR DIRE EXAMINATION

15 BY THE COURT:

16 THE COURT: Step forward, sir.

17 PROSPECTIVE JUROR: I'm number 98.

18 THE COURT: Yes, sir.

19 PROSPECTIVE JUROR: We have all the chiefs
20 scheduled for classes in Corpus Christi, and the officers
21 it's for summer. But it's 40 hours of T-close credit.

22 THE COURT: It won't. So you're going to
23 be on T- close 40 hour classes, from when to when?

24 PROSPECTIVE JUROR: And my wife is going to
25 pick me up there, and we're going to be out until July.

1 THE COURT: So you're to be out on T-Close
2 40 hour classes from when to when?

3 PROSPECTIVE JUROR: In June. The last week
4 of June.

5 THE COURT: The last week of June? We
6 might be there. Any objections to excusing Mr. Reyes? Do
7 you have any problem with him being excused?

8 MR. GILMAN: No objections.

9 MR. PADILLA: No objections, Your Honor.

10 THE COURT: We'll excuse you, but sit back
11 down.

12 MS. DE FORD: Can we have his name?

13 THE COURT: Alberto Reyes thank you.
14 Ninety-eight. Yes, sir? What was your number?

15 Number 280.

16 PROSPECTIVE JUROR: Victor Jimenez Olvera.

17
18 **VICTOR JIMENEZ OLVERA,**
19 **having been called as a prospective juror and, upon**
20 **his oath, was examined and testified as follows:**

21 **VOIR DIRE EXAMINATION**

22 **BY THE COURT:**

23 THE COURT: Victor Jimenez Olvera? Yes,
24 sir.

25 PROSPECTIVE JUROR: I'm possibly going to

1 get hired by the U.S. Border Patrol.

2 THE COURT: Yes, sir.

3 PROSPECTIVE JUROR: So I'm attending the
4 training. If I'm not mistaken, if I pass tomorrow, the
5 physical training, I'll probably go to training next
6 month, and it's probably out of town. And I also have
7 vacations already set up.

8 THE COURT: Where are your vacations.

9 PROSPECTIVE JUROR: The last week of June,
10 and the beginning of July. And those are already set. We
11 rented a bus. It's a family trip.

12 THE COURT: You rented a bus?

13 PROSPECTIVE JUROR: Yes, for the family.

14 THE COURT: Where did you rent the bus at?

15 MS. DE FORD: Why did you rent a bus if
16 you're going to Border Patrol, and you're going next
17 month.

18 PROSPECTIVE JUROR: If I go to the training
19 of the border patrol, I'm going to have to cancel that.

20 THE COURT: Mr. Olvera you're 280 --
21 chances we're not going to get to you. I'm not excusing
22 you..

23 PROSPECTIVE JUROR: How about tomorrow.

24 THE COURT: Tomorrow you're going to be
25 off.

1 PROSPECTIVE JUROR: Okay.

2 (Excused at 5:12 p.m.)

3 THE COURT: Sit down, ma'am what was your
4 number.

5 LUCIA CARDENAS,
6 having been called as a prospective juror and, upon
7 her oath, was examined and testified as follows:

8 VOIR DIRE EXAMINATION

9 BY THE COURT:

10 THE COURT: Step forward, ma'am. What was
11 your number?

12 PROSPECTIVE JUROR: 266? Lucia Cardenas.

13 THE COURT: Yes, Mrs. Cardenas?

14 PROSPECTIVE JUROR: I have tickets to be
15 out from the 18th through the 28th, I have a family
16 reunion with my family in June.

17 THE COURT: Who with?

18 PROSPECTIVE JUROR: On June 20.

19 THE COURT: You already bought the tickets.

20 PROSPECTIVE JUROR: That's expensive.

21 MR. PADILLA: I just bought one for
22 \$13,000.

23 PROSPECTIVE JUROR: No. It's not that
24 expensive.

25 THE COURT: I'm going to go ahead and

1 excuse you, but sit back down please.

2 (excused at 5:13 p.m.)

3 CYNTHIA CRUZ,

4 having been called as a prospective juror and, upon
5 her oath, was examined and testified as follows:

6 VOIR DIRE EXAMINATION

7 BY THE COURT:

8 THE COURT: Your number?

9 PROSPECTIVE JUROR: 89, Cynthia Cruz.

10 THE COURT: Mrs. Cruz, I have spoken to you
11 two or three times before.

12 PROSPECTIVE JUROR: No. Once.

13 THE COURT: Why does it seem more,
14 Mrs. Cruz.

15 THE COURT: What's the matter, Mrs. Cruz?

16 PROSPECTIVE JUROR: I already have a flight
17 booked leaving to Las Vegas, June 8, and coming back the
18 14th.

19 THE COURT: June 8 through the 14th?
20 That's possibly right in the middle of this jury trial.
21 She would fall right in there.

22 MR. PADILLA: I don't have any opposition,
23 Judge.

24 MR. GILMAN: I don't have any opposition.

25 THE COURT: You're excused, but go ahead

1 and sit down.

2 (Excused at 5:16 p.m.)

3

4

DANIEL VILLALON,

5

having been called as a prospective juror and, upon

6

his oath, was examined and testified as follows:

7

VOIR DIRE EXAMINATION

8

BY THE COURT:

9

10 THE COURT: Yes, sir. Again, what was your
number again?

11

PROSPECTIVE JUROR: Fifty-one.

12

THE COURT: What's the problem?

13

14 PROSPECTIVE JUROR: I have travel plans
from June 26, through July 6.

15

16 THE COURT: You were already excused. Sit
down thank you.

17

PROSPECTIVE JUROR: Oh, I didn't know that!

18

19 MR. PADILLA: Well now, you got a double
excuse.

20

21 PROSPECTIVE JUROR: Can we have the full
name.

22

THE COURT: Number 51, Daniel Villalon.

23

ROY WILEY DUNCAN,

24

having been called as a prospective juror and, upon

25

his oath, was examined and testified as follows:

VOIR DIRE EXAMINATION

BY THE COURT:

THE COURT: What is your number, sir?

PROSPECTIVE JUROR: 161.

THE COURT: Thank you. Roy Wiley Duncan?

Yes, sir, Mr. Duncan?

PROSPECTIVE JUROR: My wife has cancer.

And a doctor's appointment and a surgeon in San Antonio has us down for the 12th and 13th. She has the same appointment every six month. Last summer when we the last appointment, he did surgery the following week, and she has had a surgery for two weeks. So we never know when we go up there.

MR. GILMAN: In San Antonio.

PROSPECTIVE JUROR: Yes, sir. University Hospital.

THE COURT: Number 161, you are excused. So good luck and God bless.

MR. GILMAN: Good luck to you.

(Excused at 5:18 p.m.)

ROBERTO HINOJOSA,

having been called as a prospective juror and, upon his oath, was examined and testified as follows:

VOIR DIRE EXAMINATION

BY THE COURT:

THE COURT: Step forward, sir. What's your number?

PROSPECTIVE JUROR: 245.

THE COURT: Roberto Hinojosa? Yes, sir, Mr. Hinojosa.

PROSPECTIVE JUROR: I'm currently a candidate for the United States Customs Agent. I'm expecting a call from the Department of security, possibly going to the academy this summer. I'm retired from teaching and I have spoken to them. They've have done the background check, and they have done everything. The only thing is I have a medical info that I am going to be sending the last test result done this week.

THE COURT: How old are you, sir?

PROSPECTIVE JUROR: I'm a 51. I don't think there is a age limit for the U.S. Customs. There's one for Border Patrol.

(Discussion off the record at the bench.)

THE COURT: But you haven't heard anything yet.

PROSPECTIVE JUROR: Well, sir -- yes, sir. I received a letter saying that they need the additional medical document.

1 THE COURT: But they haven't scheduled it
2 yet.

3 PROSPECTIVE JUROR: I have
4 already interviewed with the background investigator. No,
5 sir. They haven't scheduled anything.

6 THE COURT: Okay. Your number is 229. I
7 don't think that we're getting to you, Mr. Hinojosa.

8 PROSPECTIVE JUROR: Okay -- and that's
9 fine. I thought I would let you know.

10 THE COURT: Yes, ma'am. When was your
11 number?

12 PROSPECTIVE JUROR: 248.

13 THE COURT: 248.

14 THE COURT: Elizabeth LaRoche.

15 PROSPECTIVE JUROR: LaRoche. I apologize
16 "LaRoche."

17 **(Brief pause in proceedings)**

18 THE COURT: For what police department?

19 PROSPECTIVE JUROR: I'm supposed to issue
20 all of their uniforms when they become officers of the
21 police department.

22 THE COURT: Employment is not a good
23 reason.

24 PROSPECTIVE JUROR: Okay. Thank you.

25 THE COURT: Can you sit back down?

1 (Panel Member excused/entered/re-entered
2 at 5:24 p.m.)

3 JOHN CHARLES RANDOLPH,
4 having been called as a prospective juror and, upon
5 his oath, was examined and testified as follows:

6 VOIR DIRE EXAMINATION

7 BY THE COURT:

8 THE COURT: What was your number again?

9 PROSPECTIVE JUROR: I am 240.

10 THE COURT: 240? John Charles Randolph.

11 PROSPECTIVE JUROR: That's me.

12 THE COURT: And your wife is moving, and
13 you're going to follow-up.

14 PROSPECTIVE JUROR: My wife went to a
15 funeral. And I'm by myself with the kids. And I called
16 somebody to pick them up from school, and I have my
17 daughter. It's just a little bit too much.

18 THE COURT: Any objections?

19 MR. PADILLA: No objections?

20 MR. GILMAN: No objections Your Honor.

21 (Excused at 5:24 p.m.)

22 THE COURT: You may leave, sir.

23 PROSPECTIVE JUROR: On the chair, it's 50.

24

25 PEDRO CADENA, JR.,

1 having been called as a prospective juror and, upon
2 his oath, was examined and testified as follows:

3 **VOIR DIRE EXAMINATION**

4 **BY THE COURT:**

5 THE COURT: What number were you?

6 PROSPECTIVE JUROR: It was 50.

7 THE COURT: That's the one I needed to
8 know. Pedro Cadena, Jr.

9 PROSPECTIVE JUROR: Yes, sir. Okay. You
10 mentioned it would take about two weeks to get the trial
11 started.

12 THE COURT: Yes, sir.

13 PROSPECTIVE JUROR: We have reservations,
14 we have flights and everything set to go to Vegas.

15 THE COURT: When?

16 PROSPECTIVE JUROR: After the Fourth of
17 July. If on a Friday. Either the sixth or the ninth.

18 THE COURT: After the Fourth of July?

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: We should be done by then. If
21 it's just for the weekend.

22 PROSPECTIVE JUROR: We're going for nine
23 days.

24 MR. PADILLA: Contract tables.

25 PROSPECTIVE JUROR: After that, I have no

1 problem with being here.

2 THE COURT: So it's after the Fourth of
3 July.

4 PROSPECTIVE JUROR: Yes, sir.

5 THE COURT: Gentlemen?

6 MR. PADILLA: That's going to be cutting it
7 close, Your Honor.

8 MR. GILMAN: It'll be done according to
9 what Mr. Padilla said. He is the one with the pistol --

10 THE COURT: But y'all listed the witnesses.

11 MR. PADILLA: It depends on how long we
12 pick a jury. I mean, once we start, we start. I can't
13 control --

14 THE COURT: Are you all agreeing to release
15 Mr. Cadena, or you agreeing to keep him? You know how
16 long the trial is going to last, better than I do.

17 MR. PADILLA: Judge, the State believes
18 that we may go after July 4. So we have no opposition.

19 MR. GILMAN: I don't think that we're going
20 to go into July. I really don't.

21 THE COURT: Mr. Cadena, I'm going to ask
22 you to stay.

23 PROSPECTIVE JUROR: What if goes after the
24 4th.

25 THE COURT: I'll push that -- I will push

1 them.

2 MR. PADILLA: You can take the trip.

3 PROSPECTIVE JUROR: All right. And just
4 that's the thing, we get it after everything is settled?

5 THE COURT: Yes, sir.

6 **MARINO Q. DEGOROSTIZA,**
7 **having been called as a prospective juror and, upon**
8 **his oath, was examined and testified as follows:**

9 **VOIR DIRE EXAMINATION**

10 **BY THE COURT:**

11 THE COURT: Yes, sir? What was your
12 number?

13 PROSPECTIVE JUROR: Fifty-two.

14 THE COURT: Thank you, sir. Marino
15 Degorostiza.

16 PROSPECTIVE JUROR: Yes, sir. The problem
17 is, that my son is scheduled to be at his wedding, in San
18 Antonio.

19 THE COURT: July 5?

20 PROSPECTIVE JUROR: Yes. And relatives are
21 coming from California, New Jersey --

22 THE COURT: We should be done by the
23 July 5.

24 PROSPECTIVE JUROR: What?

25 THE COURT: We should be done? It'll be

1 over.

2 PROSPECTIVE JUROR: You said about three
3 weeks.

4 MR. PADILLA: Judge, it's a wedding, Judge.
5 If I didn't go to my child's wedding, my wife may not
6 forgive me for a couple of centuries.

7 MR. GILMAN: We'll be done, Judge.

8 MR. PADILLA: We'll be done?

9 MR. GILMAN: According to Mr. Padilla, he's
10 saying three days for the trial.

11 PROSPECTIVE JUROR: I will be available
12 three weeks of June.

13 THE COURT: I think we'll be okay.

14 PROSPECTIVE JUROR: Because I don't want to
15 be absent.

16 THE COURT: Mr. Degorostiza, we will not
17 let you be absent -- If I have to recess the case until
18 after the fifth, I will glad to do that.

19 PROSPECTIVE JUROR: It'll be July 5, but
20 the relatives will be coming from Inter coast.

21 THE COURT: Well, you may have to tell them
22 that you're busy, Mr. Degorostiza.

23 PROSPECTIVE JUROR: I am the only male
24 relative whose the driver, and they took vacations so I
25 can drive them around here.

1 MR. GILMAN: It sounds like he's been a
2 rock and a hard place.

3 THE COURT: I'm going to excuse Number 52.
4 Good luck.

5 MR. PADILLA: You are excused. Just sit
6 down.

7 MARLO ANN MATZ,
8 having been called as a prospective juror and, upon
9 her oath, was examined and testified as follows:

10 VOIR DIRE EXAMINATION

11 BY THE COURT:

12 THE COURT: Hi. What's your number?

13 PROSPECTIVE JUROR: Eighty-five.

14 THE COURT: Eighty-five? Yes, ma'am.
15 Marlo Ann Matz.

16 PROSPECTIVE JUROR: Yes, sir.

17 THE COURT: What do you got.

18 PROSPECTIVE JUROR: Washington, D.C. My
19 mother-in-law and I are going to take my children to
20 Washington, D.C. The 14th through the 23rd of June.

21 THE COURT: Of June?

22 PROSPECTIVE JUROR: Yes, sir.

23 THE COURT: Have you already got the
24 tickets?

25 PROSPECTIVE JUROR: Yes, sir. You want me

1 to bring proof.

2 MR. PADILLA: Have a safe trip.

3 THE COURT: Have a good trip. Thank you.

4 PROSPECTIVE JUROR: Bless your heart.

5 Thank you.

6 THE COURT: Just go back and sit down.

7 PROSPECTIVE JUROR: I will. Thank you.

8 THE COURT: Don't let everybody else know.

9 Yes, ma'am.

10 (excused/entered/re-entered at [REDACTED].)

11 MR. GILMAN: 200 is looking more and more
12 like 300.

13 YURYTZY RUIZ,

14 having been called as a prospective juror and, upon
15 her oath, was examined and testified as follows:

16 VOIR DIRE EXAMINATION

17 BY THE COURT:

18 THE COURT: Yes, ma'am?

19 PROSPECTIVE JUROR: No. 62.

20 THE COURT: 628. How do you pronounce the
21 first name?

22 PROSPECTIVE JUROR: Yurytzy.

23 THE COURT: It's a pretty name.

24 PROSPECTIVE JUROR: Thank you. Well,
25 Yurytzy has to teach summer school. It's on four weeks.

1 THE COURT: Where?

2 PROSPECTIVE JUROR: Here at Lamar
3 Elementary. So the thing is, I have training next
4 Thursday and Friday. And then it starts right after.
5 It's June 4, through July 9 -- June 4 through July 9.
6 It's only four weeks.

7 THE COURT: Okay, Yurytzy, sit down.
8 You're excused. But don't let anybody else know that I
9 excused you.

10 PROSPECTIVE JUROR: I promise. I know
11 you'll remember my name.

12 MS. DE FORD: Can we get her full name,
13 please.

14 THE COURT: Yurytzy Ruiz, Number 62.

15 JULIA R. SCHIFF,
16 having been called as a prospective juror and, upon
17 her oath, was examined and testified as follows:

18 VOIR DIRE EXAMINATION

19 BY THE COURT:

20 THE COURT: Yes, ma'am? Julia Schiff. I
21 remember you.

22 PROSPECTIVE JUROR: Mine doesn't have
23 anything to do with my travel because I could cancel that.
24 But the bailiff suggested that I stand in line. When
25 you're talking about being impartial and being able to

1 follow the law, I am strongly opposed to the death
2 penalty.

3 THE COURT: Well, you do not impose the
4 death penalty. The death penalty is imposed.

5 PROSPECTIVE JUROR: No. I oppose it.

6 THE COURT: I know. But you do not impose
7 the death penalty.

8 PROSPECTIVE JUROR: Uh-huh.

9 THE COURT: I know. But what you do, as a
10 juror you answer questions.

11 PROSPECTIVE JUROR: Uh-huh.

12 THE COURT: You answer the facts, and the
13 questions as best as you can and then you don't worry
14 about the consequences. As a matter of fact, everybody is
15 prohibited from telling you what the consequences are.

16 PROSPECTIVE JUROR: But isn't that the
17 consequence -- haven't you already told us that is the
18 consequences?

19 THE COURT: That is the consequences, yes.

20 PROSPECTIVE JUROR: Knowing that the
21 penalty would be the death penalty, I don't know if I
22 would be able to find her guilty.

23 THE COURT: Mrs. Schiff.

24 PROSPECTIVE JUROR: Yes.

25 THE COURT: Mrs. Schiff? You are obviously

1 very emotionally right now. I can see your emotional in
2 and in tears. Is that because you feel so strongly
3 against the death penalty? I'm going to go ahead and
4 excuse you sit down. But -- you're excused.

5 PROSPECTIVE JUROR: Yes, sir.

6 MR. PADILLA: Just don't tell anybody else.
7 Thank you.

8 MS. DE FORD: Judge can we have the name of
9 the last prospective juror?

10 THE COURT: Ninety-four. Julia Schiff. I
11 already pronounced it.

12

13

NOE GRACIA,

14 **having been called as a prospective juror and, upon**
15 **his oath, was examined and testified as follows:**

16

VOIR DIRE EXAMINATION

17

BY THE COURT:

18

THE COURT: Thank you. Mrs. De Ford.

19

PROSPECTIVE JUROR: Number 136.

20

THE COURT: Yes, Mr. Gracia. Number 136.

21

22 PROSPECTIVE JUROR: We got plans going out
of town on June and July, for a family reunion.

23

THE COURT: The Fourth of July.

24

25 PROSPECTIVE JUROR: The last week of June
and the first week of July.

1 THE COURT: Where's the reunion?

2 PROSPECTIVE JUROR: In Houston. My son is
3 coming from Iraq, and we have plans to get together with
4 family reunion in Houston. Mr. Gilman?

5 MR. GILMAN: His son is coming from Iraq?
6 I'm in favor of letting him go.

7 MR. PADILLA: No problem. Good luck.

8 THE COURT: Mr. Gracia, you're excused.
9 You're excused. Sit down. But "don't stir up any dust."

10 MR. PADILLA: All right good luck to you,
11 sir.

12
13 **ADOLFO GAMEZ,**
14 **having been called as a prospective juror and, upon**
15 **his oath, was examined and testified as follows:**

16 **VOIR DIRE EXAMINATION**

17 **BY THE COURT:**

18 THE COURT: Yes, sir? Your name?

19 PROSPECTIVE JUROR: Adolfo Gamez Juror
20 Number.

21 THE COURT: And what's your number, sir.

22 PROSPECTIVE JUROR: Two hundred forty-two.

23 THE COURT: Mr. Gamez.

24 PROSPECTIVE JUROR: Yes, sir.

25 THE COURT: Well, you're so bright that we

1 need you on the jury. This is the second time you've
2 tried.

3 PROSPECTIVE JUROR: No. This time is from
4 June 13 to June 18, I'll be out in Houston. The first
5 weekend, I have tickets to go see the Astros and the
6 Yankees. I got tickets for the games. So I was able to
7 get them. So I have tickets for that weekend.

8 THE COURT: This is the man who didn't have
9 transportation. And he has tickets to go see the Astros.

10 PROSPECTIVE JUROR: My birthday is in July,
11 but I'm a huge Yankee fan. So my girlfriend got me that
12 in July.

13 MR. PADILLA: I'll buy the tickets.

14 MR. GILMAN: It's up to the State, first,
15 Judge.

16 THE COURT: Speak up please, quickly. The
17 line is getting longer.

18 MR. PADILLA: I think is 242 the State has
19 no opposition to him being excused.

20 MR. GILMAN: I don't like the Yankees.

21 MR. CORDOVA: I don't either, Judge.

22 MS. DE FORD: I like the Yankees.

23 MR. GILMAN: The Astros are pretty good,
24 but the Yankees suck.

25 THE COURT: You're excused. But, please

1 sit down.

2 MR. CORDOVA: I wouldn't want a Yankee fan
3 on my jury any way.

4 (Excused at 5:27 p.m.)
5

6 LARRY PAUL NEBLETT,
7 having been called as a prospective juror and, upon
8 his oath, was examined and testified as follows:

9 VOIR DIRE EXAMINATION

10 BY THE COURT:

11 THE COURT: Your number?

12 PROSPECTIVE JUROR: 258.

13 THE COURT: Yes, sir?

14 PROSPECTIVE JUROR: I'm looking to be
15 traveling Monday through Friday of next week for business.
16 I applied for the exclusion earlier. So if I can get
17 accommodated today -- this week, next week, or the
18 following, that would be fine.

19 THE COURT: Mr. Neblett? We won't get to
20 you until after next week.

21 PROSPECTIVE JUROR: Oh, okay.

22 THE COURT: Just take a seat.

23 (Excused At 5:27.)

24 RAQUEL MARTINEZ HINOJOSA,
25 having been called as a prospective juror and, upon

1 her oath, was examined and testified as follows:

2 VOIR DIRE EXAMINATION

3 BY THE COURT:

4 THE COURT: Yes, ma'am?

5 PROSPECTIVE JUROR: 216.

6 THE COURT: Yes, ma'am?

7 PROSPECTIVE JUROR: I work for the San

8 Benito CISD, and my vacation --

9 THE COURT: Number 216? No, that's not the
10 number.

11 PROSPECTIVE JUROR: That's where I sat.

12 Because the other gentleman was not there.

13 THE COURT: Your name is Raquel Martinez
14 Hinojosa.

15 PROSPECTIVE JUROR: Raquel Martinez
16 Hinojosa.

17 MR. GILMAN: 215.

18 THE COURT: 215? Yes, ma'am.

19 PROSPECTIVE JUROR: I have two weeks
20 vacation, and they're set for the 16th of June, until the
21 27th.

22 THE COURT: And where are you going?

23 PROSPECTIVE JUROR: To San Antonio. I do
24 spend the two weeks with my only grandson that I have.

25 That's the only time that I spend with him. They don't

1 count? I have to go over there.

2 MS. DE FORD: Probably not going to get to
3 her.

4 MR. CORDOVA: It's going to get close.
5 It's going to be real close.

6 THE COURT: Mrs. Hinojosa, you are excused.
7 Don't say anything -- but you're excused.

8 MIRIAM LEIJA,
9 having been called as a prospective juror and, upon
10 her oath, was examined and testified as follows:

11 VOIR DIRE EXAMINATION

12 BY THE COURT:

13 PROSPECTIVE JUROR: Thank you.

14 THE COURT: Yes, ma'am. What was your
15 number.

16 PROSPECTIVE JUROR: 226.

17 THE COURT: 316.

18 PROSPECTIVE JUROR: 226.

19 THE COURT: 226. I apologize. Miriam
20 Leija? Hi. We talked before.

21 PROSPECTIVE JUROR: Yes, the thing is,
22 Judge, that over here in the back it says -- the
23 occupation is financial. I just started working with
24 Mrs. Rios, about three weeks ago. And my husband also
25 started working at UPS, five months ago, and it's my

1 understanding that Mrs. Rios told me that I wasn't going
2 to get paid, or anything. So I can't really afford two
3 weeks without getting paid. I have a lot of bills and
4 everything. And she told me I wasn't going to get paid or
5 anything.

6 THE COURT: You don't get paid, but she
7 cannot fire you. What you do, you get 40 dollars a day if
8 you stay. And that's after you serve, and after the fact.

9 PROSPECTIVE JUROR: And the thing is --
10 that's it? I mean --

11 THE COURT: Mrs Leija? The probability is
12 we won't get to you. That's the probability. But I don't
13 know.

14 PROSPECTIVE JUROR: Okay. Thank you.

15 (excused at 5:28 p.m.)

16 ROLANDO DAVID MARTINEZ,
17 having been called as a prospective juror and, upon
18 his oath, was examined and testified as follows:

19 VOIR DIRE EXAMINATION

20 BY THE COURT:

21 THE COURT: Yes, sir?

22 PROSPECTIVE JUROR: My name is Rolando
23 Martinez.

24 THE COURT: What number were you?

25 PROSPECTIVE JUROR: 202.

1 THE COURT: Ronaldo David Martinez Number
2 202.

3 PROSPECTIVE JUROR: Yes, sir. Well, I
4 don't have an excuse, but I have some travel plans, on
5 June 20th.

6 THE COURT: Where are you going?

7 PROSPECTIVE JUROR: To Houston.

8 THE COURT: To what.

9 PROSPECTIVE JUROR: To the Woodlands, in
10 Houston.

11 THE COURT: To what.

12 PROSPECTIVE JUROR: Woodlands.

13 THE COURT: Do you have your tickets
14 already Bought?

15 PROSPECTIVE JUROR: Yeah. I'm going to go
16 see Boston.

17 THE COURT: Who's Boston?

18 PROSPECTIVE JUROR: Boston. The band.

19 MR. CORDOVA: We're old, Judge.

20 THE COURT: Have you heard of Boston?
21 You're the youngest on up here, I think.

22 MS. DE FORD: Yeah.

23 THE COURT: They're going on tour.

24 MR. GILMAN: When is the concert?

25 PROSPECTIVE JUROR: That's the weekend.

1 MS. DE FORD: Isn't that on a weekend.

2 MR. PADILLA: We're not working on
3 weekends.

4 PROSPECTIVE JUROR: I am staying overnight.
5 It's going to be like three or four days.

6 THE COURT: It's going to be three or four
7 days.

8 PROSPECTIVE JUROR: It's not going to be an
9 overnight thing. So if it doesn't interfere -- it's cool.

10 THE COURT: It shouldn't interfere. As
11 long as you're back on Monday, it's fine.

12 PROSPECTIVE JUROR: No. On Monday I am
13 going to stay.

14 THE COURT: No, no no. You're going to be
15 back on Monday. If you're picked you are. If you don't,
16 you don't have to worry about it. But you can make it
17 both ways.

18 PROSPECTIVE JUROR: If it doesn't
19 interfere, that's cool.

20 THE COURT: Okay. Thank you.

21 (Excused at 5:30 p.m.)

22 JOHNNY GALVAN, JR.,
23 having been called as a prospective juror and, upon
24 his oath, was examined and testified as follows:

25

VOIR DIRE EXAMINATION

BY THE COURT:

THE COURT: Yes, sir?

PROSPECTIVE JUROR: Forty-one.

THE COURT: Yes, sir? Johnny Galvan, Junior, Juror Number 41. Yes, sir? What's up?

PROSPECTIVE JUROR: Well my last paycheck was on the 23rd of this month, and I just don't feel -- this is the place for me to be, because I need to be out there looking for a job.

THE COURT: Well the thing is, just today, after today, you don't come back until probably next week, or the week after next. Then you come in for an hour or an hour and a half. Then you don't have to come back for another week or so. So it gives you plenty of time to look for a job. However, if you are picked on a jury, you will have to serve again.

PROSPECTIVE JUROR: You see, that's the problem. I don't know how long it'll take. Well, I'm leaving it up to you.

THE COURT: I would like for you to serve if you can.

MR. PADILLA: You get paid a per diem.

THE COURT: Yeah, you get paid a per diem, if you get picked.

1 MR. CORDOVA: \$40.

2 PROSPECTIVE JUROR: Sure.

3 THE COURT: Okay. Thank you.

4 (Excused at 5:35 p.m.)

5 JESUS JALOMO, JR.,

6 having been called as a prospective juror and, upon
7 his oath, was examined and testified as follows:

8 VOIR DIRE EXAMINATION

9 BY THE COURT:

10 THE COURT: What was your number?

11 PROSPECTIVE JUROR: 243.

12 THE COURT: 243? I got Amy Lynette --

13 PROSPECTIVE JUROR: No, I'm Jesus Jalomo,
14 Jr..

15 PROSPECTIVE JUROR: 244. Yes, sir?

16 PROSPECTIVE JUROR: Basically I don't think
17 I can't work, because if anything happens --

18 THE COURT: Mr. Jalomo, they can't fire
19 you.

20 PROSPECTIVE JUROR: Well, it's not that.

21 THE COURT: And as far as employment, I
22 don't excuse doctors and I don't excuse lawyers.

23 PROSPECTIVE JUROR: How about, Mr. Cordova?

24 THE COURT: He doesn't get excused from
25 this.

1 PROSPECTIVE JUROR: No, no, I know him.

2 THE COURT: So. We all know him.

3 PROSPECTIVE JUROR: I don't think I would
4 be a good juror?

5 THE COURT: You don't think that you would
6 be a good juror? Mr. Jalomo, don't lie!

7 PROSPECTIVE JUROR: No, I'm serious.

8 MR. PADILLA: How do you know Mr. Cordova?

9 THE COURT: You didn't stand up when we
10 asked you if you knew the attorneys.

11 MR. PADILLA: Anything in that relationship
12 that would keep you from being fair and impartial to the
13 other case?

14 PROSPECTIVE JUROR: Well, I don't like the
15 case, period.

16 THE COURT: Nobody is asking you whether
17 you like it or not, Mr. Jalomo. Mr. Jalomo, sit down
18 please! I do not know like what your're doing.

19 (Excused at 5:59 p..m.)

20 JOSE GUILLERMO GUERRERO,
21 having been called as a prospective juror and, upon
22 his oath, was examined and testified as follows:

23 VOIR DIRE EXAMINATION

24 BY THE COURT:

25 THE COURT: Step forward, sir. I'm sorry.

1 What's your number?

2 PROSPECTIVE JUROR: 214.

3 THE COURT: Thank you. I appreciate it,
4 sir. Jesus Guillermo Guerrero.

5 PROSPECTIVE JUROR: Jose Guillermo
6 Guerrero.

7 THE COURT: What do you have, sir?

8 PROSPECTIVE JUROR: For financial issues.

9 THE COURT: Mr. Guerrero. I understand.

10 PROSPECTIVE JUROR: I am self-employed for
11 six months. I am the only source of income for my family.

12 THE COURT: I know Mr. Guerrero, but the
13 state doesn't allow me to excuse you for financial
14 reasons.

15 PROSPECTIVE JUROR: And I am the only bread
16 winner for the family. I don't want to cause any trouble.

17 THE COURT: Believe me, I understand.

18 PROSPECTIVE JUROR: Okay.

19 THE COURT: But the state law doesn't
20 permit me to excuse you just for financial reasons. It's
21 an unfortunate situation. The state statute says, that's
22 not a valid reason. Now chances are, Mr. Guillermo
23 Guerrero, we probably won't get to you. But we don't
24 know. There are no guarantees. Okay. I am going to ask
25 you to please sit down.

1 PROSPECTIVE JUROR: Okay.

2 (Excused at 5:38 p.m.)

3 LESLIE ANNETTE SANCHEZ,

4 having been called as a prospective juror and, upon
5 her oath, was examined and testified as follows:

6 VOIR DIRE EXAMINATION

7 BY THE COURT:

8 THE COURT: Yes, ma'am? I'm sorry.

9 PROSPECTIVE JUROR: I know it is supposed
10 to be a line if you have something.

11 THE COURT: What's your number.

12 PROSPECTIVE JUROR: My number is 159 --

13 THE COURT: No. When you were sitting
14 down.

15 PROSPECTIVE JUROR: 115? I don't have any
16 means of transportation to get here.

17 THE COURT: Leslie Annette Sanchez?

18 PROSPECTIVE JUROR: Yes. and also, I am
19 supposed to look for a house in two weeks in San Antonio.
20 So I am moving like in July.

21 THE COURT: Where are you moving to in San
22 Antonio.

23 PROSPECTIVE JUROR: My sister is going back
24 to school and she needs a roommate to help her out. So I
25 said: I'll go with you.

1 THE COURT: Why aren't you going to school?

2 PROSPECTIVE JUROR: I'm not the school type
3 of person. I'm more of a "hands on" music/art, kind of
4 person. And I don't have -- I live very far, and I don't
5 have any car. The only reason that I showed up, because I
6 don't have a thousand dollars for not showing up. So I
7 had to borrow somebody else's car to come. But I --
8 maybe -- I can't say. I don't know if next time, I can't
9 show up. I don't know. Do I get fine for that also.

10 THE COURT: No. You get arrested. You get
11 picked up. If the State so moves or the defense so moves.
12 These are not valid reasons.

13 PROSPECTIVE JUROR: Okay. So --

14 THE COURT: You're going to get an
15 appointment in a little bit.

16 PROSPECTIVE JUROR: Okay. Then, I
17 guess so.

18 THE COURT: Please sit down, Mrs. Sanchez.

19 (Excused at 5:45 p.m.)

20 JOHN TANDY TODD,
21 having been called as a prospective juror and, upon
22 his oath, was examined and testified as follows:

23 VOIR DIRE EXAMINATION

24 BY THE COURT:

25 THE COURT: Yes, sir? What was your

1 number?

2 PROSPECTIVE JUROR: 188.

3 THE COURT: Yes, sir?

4 PROSPECTIVE JUROR: I got a training
5 seminar and it didn't snap until you said "travel "(John
6 attendant to it.

7 THE COURT: And where are you supposed to
8 be the.

9 PROSPECTIVE JUROR: In Denton, Texas at a
10 Thormahlen (sic) factory school, that was scheduled back
11 in February.

12 THE COURT: And what kind of training is
13 it, sir?

14 PROSPECTIVE JUROR: For vector cutting
15 apparatus, gas apparatus for cutting steel, fabricating
16 steel.

17 THE COURT: I know, Mr. Todd. It's
18 unfortunate. But I am more legally able to excuse you for
19 vacation plans that are already bought and paid for, than
20 for work.

21 PROSPECTIVE JUROR: No. I understand.

22 THE COURT: So I'm going to ask you to
23 please sit down.

24 PROSPECTIVE JUROR: They can get somebody
25 else to go.

1 (Excused at 5:51 p.m.)

2
3 MARIO SAAVEDRA,

4 having been called as a prospective juror and, upon
5 his oath, was examined and testified as follows:

6 VOIR DIRE EXAMINATION

7 BY THE COURT:

8 THE COURT: Yes, sir?

9 That was Number 188. Your name, sir?

10 PROSPECTIVE JUROR: Number 115, Mario
11 Saavedra.

12 THE COURT: Yes.

13 PROSPECTIVE JUROR: Yes, sir I have two
14 things. I have a dental surgery that has been postponed.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR: Plus I got child
17 support review on the same week.

18 THE COURT: Which week is that?

19 PROSPECTIVE JUROR: That would come in two
20 weeks starting on June 9th.

21 THE COURT: So it'll be on June 9.

22 PROSPECTIVE JUROR: Yeah. I got to be the
23 child support.

24 THE COURT: Well, you'll have your
25 interview next week.

1 PROSPECTIVE JUROR: Okay.

2 THE COURT: And you'll have your interview
3 next week, and then we out to be able to work around that
4 schedule. Okay. Please sit down Mr. Saavedra.

5 (Excused at 6:06 p.m.)

6 SUSAN ELIZABETH SMITH-LINGO

7 having been called as a prospective juror and, upon
8 her oath, was examined and testified as follows:

9 VOIR DIRE EXAMINATION

10 BY THE COURT:

11 Yes, ma'am. What was your number.

12 PROSPECTIVE JUROR: Minus three?

13 THE COURT: Yes Mrs. Smith-Lingo.

14 PROSPECTIVE JUROR: Okay I don't have plane
15 tickets but because we are supposed to be driving -- or I
16 am -- I am supposed to go and care for my mother-in-law
17 the week after next. She's a been very ill. My husband
18 just returned yesterday from being over there. And it's
19 my turn to be able to go, but I haven't been able to go
20 because of work. He took a week off, and I am supposed to
21 go the week after next.

22 THE COURT: Is there anybody that can cover
23 for you?

24 PROSPECTIVE JUROR: No.

25 THE COURT: Basically the week after

1 next -- let me tell you. You're going to be on -- you're
2 going on the first batch.

3 PROSPECTIVE JUROR: Yes, sir.

4 THE COURT: Chances are you will be able to
5 leave on Monday.

6 PROSPECTIVE JUROR: Okay.

7 THE COURT: Then you don't have to come
8 back until we pick all of the jurors. We probably won't
9 get done for two weeks, but we don't know.

10 PROSPECTIVE JUROR: You see, that's --

11 THE COURT: What do you think?

12 MR. GILMAN: I don't have any objections.

13 THE COURT: Do you have any objections.

14 MR. PADILLA: We don't have any objections.

15 THE COURT: Mrs. Smith-Lingo? Sit down
16 you're excused. But don't say anything.

17 PROSPECTIVE JUROR: Yes, sir.

18 (excused at 6:08 p.m.)

19

20 MANUEL FLORES,

21 having been called as a prospective juror and, upon
22 his oath, was examined and testified as follows:

23 VOIR DIRE EXAMINATION

24 BY THE COURT:

25 THE COURT: What was your number, sir?

1 PROSPECTIVE JUROR: Seat number 306.

2 THE COURT: Number 306. Yes, sir.

3 PROSPECTIVE JUROR: I have --I have 306.

4 THE COURT: Juan Manuel Reyes?

5 PROSPECTIVE JUROR: No. Manuel Flores.

6 THE COURT: Okay we have you as 305.

7 PROSPECTIVE JUROR: Our high school band is
8 going to Florida, June 9 through the 14th. If I can get
9 my appointment before that -- I am not trying to get out
10 of the process -- it's just that I have a prepaid trip. I
11 paid \$1400 into it.

12 THE COURT: Mr. Flores, chances are, we
13 won't get to you.

14 MR. PADILLA: He will probably be after the
15 three weeks.

16 THE COURT: I think it'll be okay.

17 PROSPECTIVE JUROR: Thank you.

18 PAUL CHAPMAN,

19 having been called as a prospective juror and, upon
20 his oath, was examined and testified as follows:

21 VOIR DIRE EXAMINATION

22 BY THE COURT:

23 THE COURT: Okay. Yes, sir.

24 What was your number, sir.

25 PROSPECTIVE JUROR: Fifty-eight.

1 THE COURT: Fifty-eight, sir. Mr. Chapman?

2 Yes, sir.

3 PROSPECTIVE JUROR: My son is getting
4 married. I got tickets on the 21st of June.

5 THE COURT: You will be able go. Just sit
6 down, you'll be excused.

7 JULIO CESAR COLUNGA,
8 having been called as a prospective juror and, upon
9 his oath, was examined and testified as follows:

10 VOIR DIRE EXAMINATION

11 BY THE COURT:

12 PROSPECTIVE JUROR: 291 one.

13 THE COURT: Julio Cesar Colunga. 291,
14 Julio Cesar Colunga.

15 PROSPECTIVE JUROR: Correct.

16 THE COURT: Yes, sir.

17 PROSPECTIVE JUROR: We have, basically, a
18 vacation plan for the last week of June, early July.

19 The fourth of July weekend, we are headed
20 out to San Antonio for it vacation plan. And my only
21 other concern, of course, I got I'm a school teacher,
22 special ed, and I have training scheduled for the first
23 week of June. I know that you all will be doing --

24 MR. GILMAN: I have no objections to that.

25 THE COURT: Excuse me?

1 MR. GILMAN: I have no objections. He is
2 so far down the list, we will probably won't get to him.

3 THE COURT: You may sit down.

4 PROSPECTIVE JUROR: Thank you.

5 THE COURT: Mr. Colunga?

6 PROSPECTIVE JUROR: Yes, sir.

7 THE COURT: You are excused.

8 (Excused at 2:11 p.m.)
9

10 JUAN GARCIA,
11 having been called as a prospective juror and, upon
12 his oath, was examined and testified as follows:

13 VOIR DIRE EXAMINATION

14 BY THE COURT:

15 THE COURT: Step forward, sir. What was
16 your number?

17 PROSPECTIVE JUROR: 292.

18 THE COURT: 292? Juan Garcia?

19 PROSPECTIVE JUROR: That's me.

20 THE COURT: Yes, sir.

21 PROSPECTIVE JUROR: My deal is, I'm a
22 farmer. And our harvest starts within the next 15 to 20
23 days and it goes through about the first of August. And I
24 have to be there.

25 MR. GILMAN: I sympathize with fathers.

1 I'm sorry.

2 THE COURT: Sit down, Mr. Garcia. But
3 you're excused.

4 PROSPECTIVE JUROR: Thank you.

5 (Excused at 6:12 p.m.)
6

7 MARTHA LETICIA ATKINSON,
8 having been called as a prospective juror and, upon
9 her oath, was examined and testified as follows:

10 VOIR DIRE EXAMINATION

11 BY THE COURT:

12 THE COURT: Yes, sir? I mean, yes, ma'am.
13 I apologize. What's your number?

14 PROSPECTIVE JUROR: 263.

15 THE COURT: 263?

16 PROSPECTIVE JUROR: I wasn't sure to come
17 up here or not, but I got hotel reservations on the 26th
18 through the 30th of June.

19 THE COURT: Twenty-sixth through -- Maria
20 Leticia Atkinson?

21 PROSPECTIVE JUROR: Martha Leticia Atkinson
22 June what.

23 THE COURT: Martha Leticia -- I'm sorry.

24 PROSPECTIVE JUROR: That's okay.

25 THE COURT: And in June, what?

1 PROSPECTIVE JUROR: June 26th through the
2 June 30. Yeah. But they're just hotel reservations.

3 THE COURT: Where at?

4 PROSPECTIVE JUROR: In San Antonio, at the
5 Omni. I'm ready to serve, but I thought I'd just --

6 THE COURT: I understand. This is a
7 weekend.

8 PROSPECTIVE JUROR: Thursday, Friday and
9 Saturday.

10 THE COURT: Mrs. Atkinson, the problem is,
11 that's where we might be winding up the trial. And I
12 can't --

13 PROSPECTIVE JUROR: Okay. That's fine. If
14 need be, I'll serve on something else.

15 THE COURT: I need for you to serve. Okay.
16 Thank you very much.

17 MR. PADILLA: We'll know before soon when
18 you're going to serve.

19 PROSPECTIVE JUROR: That's fine.

20 THE COURT: You can sit down. Thank you.
21 Now, we need the appointments, and then that's it.
22 Where's Rolando.

23 MR. PADILLA: Judge?

24 **(Discussion on the record at the bench.)**

25 THE COURT: We got the list right there.

1 We need to get the appointments now.

2 MR. PADILLA: What appointments?

3 THE COURT: The appointments for them to
4 come.

5 MR. PADILLA: May I suggest something?

6 THE COURT: Yeah, I'm listening.

7 MR. PADILLA: That you call all of the
8 people that have been excused, one by one. Tell them to
9 leave. Turn in their questionnaire. That way we don't
10 get mixed up with the ones that do stay behind. And then
11 those get destroyed, and then we work on the appointments
12 on the other ones.

13 THE COURT: Okay.

14 MR. PADILLA: That way we get rid of those.

15 THE COURT: Give me my list back. I'm
16 going to go ahead and call them out right now.

17 **(End of bench conference.)**

18 THE COURT: We got basically two more
19 things to do. We're going to need your questionnaires in
20 a little bit. We're literally on the penultimate stage of
21 everything we're going to do.

22 I'm going to call out the name of some of
23 the jurors, for either health reasons, vacation plans,
24 with tickets bought, or other reasons -- health care
25 provider reasons, or other reasons, these people have been

1 excused. So I'm going to ask you to step up, hand your
2 jury questionnaire in to this lady right here, and you may
3 leave right now.

4 And then the other people what we'll do,
5 we'll start giving you out your appointments. We'll call
6 out your names, you'll get your card with your appointment
7 written on there. And as you get it, you may leave.
8 Please don't leave before you get the appointment card.
9 Susan Elizabeth Smith-Lingo? Lisa Marina Rios? Reynaldo
10 Cantu? Blanca Gomez? Daniel Villalon? Marino
11 Degorostiza? Paul Chapman? Yurytzy Ruiz? Laura Nelly
12 Rosales? Maria Del Carmen Atkinson? Peter Lounsbery?
13 Reynaldo Lozano Limon? Marlo M. Matz? Selena Hernandez?
14 Cynthia Cruz? Julia Schiff? Alberto Reyes? Noe Gracia?
15 Nancy Ramirez, Regina Lynette Robinson? Irma Inis
16 Corkill, Roy Wiley Duncan? Arturo Gonzalez? Maria Alicia
17 Martinez? Reymundo Garcia? Sandra Edith Rodriguez?
18 Maria Helen Cruz? Rosita Leal? Raquel Martinez Hinojosa?
19 John Charles Randolph? Debra Ann Saldana Canales? Adolfo
20 Gamez, Jr? Lucilla Cardenas? Jaime Gomez? Julio Cesar
21 Colunga? Juan Garcia?

22 **(Discussion on the record at the bench.)**

23 THE COURT: Did I miss anybody on my list
24 from yours.

25 MR. PADILLA: No. You got everybody.

1 THE COURT: Okay. Are you ready to hand
2 out the cards?

3 **(End of bench conference.)**

4 THE COURT: Now we're going to be calling
5 your names up. As we call your names up, I'm going to ask
6 you to please come up, and this is going to take -- we're
7 going to need about a five or ten minute head start. As
8 we call your names up, and you will get your card with
9 your appointment on it.

10 We're going to need about five minutes.
11 Please don't leave. Because we should be doing this
12 quickly.

13 As you come up, bring your questionnaires
14 and hand them in please. Sol going to pick up your
15 appointment card, and you're going to drop off your
16 questionnaire.

17 After you leave, if you need a jury excuse,
18 you can pick up the excuse at that window.

19 (Panel Member Names called out and deputy
20 clerk's office assigned each member specific day to appear
21 for jury duty.)

22

23 **(Recess from 5:56 p.m.)**

24

25

1 THE STATE OF TEXAS:

2 COUNTY OF HIDALGO:

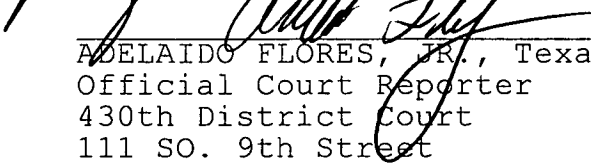
3 CERTIFICATE OF COURT REPORTER

4 I, ADELAIDO FLORES, JR, Official Court Reporter in
5 and for the 430th Judicial District Court of Hidalgo
6 County, State of Texas, do hereby certify that the above
7 and foregoing contains a true and correct transcription of
8 all portions of evidence and other proceedings requested
9 in writing by counsel for the parties to be included in
10 this volume of the Reporter's Record, in the
11 above-entitled and numbered cause, all of which occurred
12 in open court or in chambers and were reported by me.

13 I further certify that this Reporter's Record of the
14 proceedings truly and correctly reflects the exhibits, if
15 any, admitted by the respective parties.

16 WITNESS MY OFFICIAL HAND on this the 11th day of

17 July, 2009.

18 
19 ADELAIDO FLORES, JR., Texas CSR
20 Official Court Reporter
21 430th District Court
22 111 SO. 9th Street
23 Edinburg, Texas 78539
24 (956) 318-2900
25 Certificate No. 1117
Expiration Date: 12/31/10

Adelaido Flores, Jr.
Certified Shorthand Reporter